Mr. FORAKER. We understand it so.

Mr. CHANDLER. Mr. President——

Mr. MORGAN. Has morning business been received yet, Mr. President?

The PRESIDENT pro tempore. It has not, but the Senator from New Hampshire [Mr. CHANDLER] is recognized.

Mr. CHANDLER. Mr. President, I desire to say in reference to the privileged question of the vacant seat in this body from the State of Pennsylvania that I trust an arrangement may be made for the discussion of the resolution without any such serious controversy on the subject as would result in dividing the Senate. I also wish to say that the question is a privileged one; that it is not necessary to move to take it up, and that it is not necessary for any Senator desiring to speak upon it to ask the permission of a Senator having in charge any other bill.

The question of filling a vacant seat is privileged at all times, unless otherwise disposed of by a direct vote of the Senate. A Senator can, of course, move to refer or move to postpone to a day certain a privileged question, but such a question can not otherwise be superseded, except by unanimous consent, by any other question, not even by the unfinished business.

Mr. FORAKER. I hope the Senator from New Hampshire does not imagine that I was not familiar with the rule with respect to which he calls attention.

Mr. CHANDLER. I beg the Senator's pardon.

Mr. FORAKER. I understand such a motion is privileged and it can be made at any time; but I understand, at the same time, the Senate still has the whole subject in its own hands, and a Senator can move to postpone it or lay it on the table.

Mr. CHANDLER. I intended no reflection upon the Senator. I only called attention to the fact that it is not necessary to make a motion to take up such a privileged question. In contemplation of the rules of the Senate, a resolution in reference to a vacant seat, such as that now existing from Pennsylvania, is always before the Senate, and may be called up at any time, as I understand, until it is disposed of by a direct motion.

Mr. FORAKER. Yes.

Mr. CULLOM. Mr. President, while such a motion may be regarded as privileged, I understand it is in the power of the Senate, by a majority vote, to take up such a resolution, or to retain, for instance, the bill which is now the unfinished business of the Senate, after 2 o'clock, and proceed with its consideration. It is entirely in the hands of the majority of the Senate to determine whether they will consider one subject or another.

The PRESIDENT pro tempore. There is no question before the Senate.

Mr. MORGAN. I call for the regular order, whatever it may be.

Mr. ALDRICH. Will the Senator permit me to make one statement?

Lest the statement made by the Senator from New Hampshire [Mr. CHANDLER] should be understood as having been made by authority, I will say that the contention which he now urges is not only contrary to the rules of the Senate, but is contrary to the universal practice of the Senate from its earliest times to the present moment.

Mr. HOAR. May I be allowed to say that I do not quite agree with my honorable friend from Rhode Island [Mr. ALDRICH]. I understand that the rule of the Senate provides that a case upon the credential of a Senator shall be proceeded with till it is disposed of. That is this case exactly.

Mr. ALDRICH. Oh, no.

Mr. HOAR. That has been held to permit the reference of the question to a committee. It was so held in the Kellogg case; but when it comes back from the committee, it stands under its original privilege, so that it is not necessary to pass a motion to take it up. It can be called up by any Senator as of right, as a question of the highest privilege. When it is up, I suppose that the disposition of it is in the power of the Senate so far as certain motions go which tend to its disposition, as the Senator from New Hampshire [Mr. CHANDLER] has already stated. That is, a Senator may move to postpone the question to a day certain, to recommit it to a committee, or may make one or two other motions provided for in the rules, which are applicable to privileged cases.

But the question between myself and my honorable friend from Rhode Island [Mr. ALDRICH] is of very little practical importance, because we both agree that it is in the power of the Senate to proceed with a particular election case at a particular time, or to postpone it to a future time, or to make the other disposition suggested. So the only real practical point of it is whether you have got to have one vote to take up the question or whether any Senator can call it up, it then being in the power of the Senate to deal with it as it pleases afterwards, which is not a matter of very great practical importance; but I understand it has been decided according to my claim in a very recent case.

Mr. ALDRICH. Mr. President, just a single word. The difference between the Senator from Massachusetts [Mr. HOAR] and myself is as to whether an individual Senator can fix the order of business of the Senate or whether a majority of the Senate shall fix that order.

Mr. HOAR. Or whether the rule shall fix it.

Mr. ALDRICH. Or whether the rule shall fix it. I am quite well aware that the Senator from Massachusetts has on frequent occasions made the same contention which he now makes in the presence of the Senate, but he has been as uniformly overruled, not only by every presiding officer, but by every vote of the Senate that has been taken on that subject.

Mr. HOAR. There is where we differ exactly. He has never been overruled.

Mr. HALE, Mr. CHANDLER, and Mr. BURROWS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. MORGAN] has demanded the regular order.

Mr. BURROWS. The Senator withholds it for a moment.

The PRESIDENT pro tempore. Then the Senator from Maine [Mr. HALE] is recognized, he having first addressed the Chair.

Mr. HALE. Mr. President, I rose for the purpose of saying that some of us do not agree in the views of parliamentary law stated by the Senator from Massachusetts [Mr. HOAR] and the Senator from New Hampshire [Mr. CHANDLER]; but all that will be settled in one way or another when this question comes up, if it does come up, to-morrow. In accordance with the suggestion thrown out by the Senator from Pennsylvania [Mr. PENROSE] that, in deference to the wishes of Senators who are absent and who believed that after the ceremonial which has taken place this morning the Senate would, as it has always done heretofore, adjourn, I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine.

The motion was agreed to; and (at 1 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 23, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 22, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8245.

Mr. MCCLELLAN. Mr. Chairman, what more appropriate day on which to speak, even though feebly as do I, in behalf of the Constitution than on the anniversary of the birth of the greatest American, who presided over the body that brought the Constitution of the United States into being.

From the somewhat light-hearted and flippant manner with which this bill has been treated by the majority, it might be assumed that it was a purely perfunctory amendment to the Dingley tariff law. But, the manner with which gentlemen on the other side are apt to treat all matters of legislation is no index to the importance or the lack of importance of measures proposed by them. The country was saddled with a policy of protection run mad, with scarcely decent consideration of the measure in this House. A new era was inaugurated in financial matters by means of a bill so crudely drawn that we are given to understand it must be absolutely recast before final passage. And now a bill is presented to us said to represent the last position assumed on this question by the Republican party, after innumerable changes of front and after innumerable shiftings of ground.

On its face the bill is simple enough. It provides for a reduction of 75 per cent in the Dingley tariff rates on all goods imported to and from Puerto Rico, and yet it is the most outrageous opportunism that has been submitted to a legislative body at least since the days of that prophet of opportunism, Leon Gambetta [applause], or, as a most prominent Republican has said in reference to Puerto Rico, "The sole question is one of expediency." For some purpose not yet explained, but which requires no gift of second sight to discover, it is proposed to alter the customs of a century, to inaugurate a new national policy, to distort the Constitution, and in some respect to annul it.

THE POSITION OF THE MAJORITY.

In discussing the bill I shall try to confine myself strictly to the question without unnecessary digressions. It must be considered from two aspects, the legal and the moral. The position of the

majority in reference to the status of Puerto Rico is this: That Puerto Rico belongs to the United States, but is not a part of the United States, and that the Constitution only extends proprio vigore over the States that compose the Union, and only extends over the Territories by Congressional action. But having enunciated this proposition, the majority demurs and insists that even if the Constitution does not extend over Puerto Rico proprio vigore, the treaty of Paris is the supreme law of the land, and if in conflict with the Constitution then that treaty is paramount.

In paragraph 2, page 6, of the majority report, the following words occur:

> This treaty, under the Constitution of the United States, is the supreme law of the land.

Evidently my distinguished friend and colleague who drafted the report finds that even his partisanship will not permit him to indorse the position taken by his party in the Senate as contained in Senate report 249. I know that it is out of order to refer to anything that occurs in the other branch of Congress, but the doctrine that a treaty is superior to the Constitution is laid down so distinctly in that report, drafted by one of the ablest Republican Senators and concurred in by the entire Republican membership of his committee, that it ceases to be a matter concerning the Senate alone and becomes a fundamental doctrine of the Republican party, a doctrine which, obnoxious as it may be to gentlemen on the other side of the House, must be concurred in by them or repudiated with the confession that there are two antagonistic factions in the Republican party.

Whatever may be the differences of opinion as to the status of the Philippines, I take it that we are all agreed that Puerto Rico belongs to us, that she came to us by treaty, and that her inhabitants freely welcomed the sovereignty of the United States. In this case there has been no violation of the great principle that "governments are instituted among men, deriving their just powers from the consent of the governed." I take it further that there is no difference of opinion as to the right of the United States to acquire territory and as to the sovereignty of the United States over territory so acquired.

It is peculiar that if gentlemen are convinced of the soundness of their first contention, they should find it necessary to take refuge in an alternate proposition. One can not help thinking that it is possible that gentlemen may appreciate the weakness of both their contentions and therefore find it necessary to present to the country a sort of bargain counter of cheap arguments suited to any taste and to any purse.

THE LEGAL ASPECT OF THE CASE.

Let me first examine the argument that the Constitution does not extend proprio vigore over Puerto Rico, but that it can only so extend by the grace of Congress. In discussing this it is necessary, first, to consider what is the status of the inhabitants of Puerto Rico, and second, what is the status of the island of Puerto Rico.

What is the nationality of the inhabitants of Puerto Rico? To what government are they subject? Are they Spaniards? Certainly not. Are they citizens of Puerto Rico? No; for Puerto Rico belongs to the United States.

In United States *vs.* Cruikshank (92 U.S., 549), Mr. Chief Justice Waite said:

> Citizens are the members of the political community to which they belong. They are the people who compose the community and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights.

On pages 254 and 255 of Cooley's Constitutional Law will be found the following:

> The States can not naturalize, though they may confer special privileges upon aliens, and the act of naturalization by the United States is the grant of citizenship within the State where the naturalized person resides.

In Insurance Company *vs.* Canter (1 Peters, 511), Mr. Chief Justice Marshall says:

> The same act which transferred that territory transfers the allegiance of those who remain in it.

In Boyd *vs.* Thayer (114 U. S., 159), Mr. Chief Justice Fuller says:

> The nationality of the inhabitants of a Territory acquired by conquest or cession becomes that of the government under whose dominion they pass, subject to the right of election on their part to retain their former nationality by removal or otherwise, as may be provided.

It is clear, then, that the nationality of the people of Puerto Rico is that of the United States, and that the moment that Puerto Rico was ceded to this country, those of its inhabitants who had not elected to remain Spaniards became citizens of the United States, and as such possessed all the rights and the immunities of citizens. If they are not citizens of the United States, what are they? They must owe allegiance to some government; they do not owe allegiance to Spain; Puerto Rico belongs to the United States; they do owe allegiance to the United States; they must be and they are citizens of this country.

The inhabitants of Puerto Rico being citizens of the United States, what is the status of the territory in which they reside? It is claimed that in so far as the Territories are concerned, the Constitution only applies as an act of grace on the part of Congress; that until Congress extends the operation of the Constitution the Territories are without its pale. The bill is justified by this contention, for it is said that it does not come under the provisions of Article I, section 8, of the Constitution, which is as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

It is argued that the provision requiring all duties, imposts, and excises to be uniform applies only to the States and not to the Territories, and this argument is based upon Article IV, section 3, paragraph 2, of the Constitution, which is as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Now, every case cited in support of this contention refers only to the power of Congress to "make needful rules and regulations respecting the territory of the United States," and goes in no case to the extreme that gentlemen would have us believe, that Congress may govern beyond the Constitution.

The two cases mainly relied on by the friends of this bill are American Publishing Company *vs.* Fisher (166 U. S., 467) and Gibbons *vs.* The District of Columbia (116 U. S., 404). When properly considered, these two decisions in no sense sustain the contention of the majority. In Gibbons *vs.* The District of Columbia the court held that Congress had the power to impose different rates of taxation upon different classes of property in the District of Columbia, provided the rates were uniform for each class and that the clause of the Constitution requiring taxation to be uniform had not been violated. In the case of The American Publishing Company *vs.* Fisher, and this is claimed to be the strongest argument in favor of this contention, Mr. Justice Brewer quotes Mr. Justice Bradley in Mormon Church *vs.* United States to the effect that the constitutional limitations of the power of Congress in legislating for the Territories exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and general application of its provisions, and then goes on to say:

> But if the seventh amendment does not operate in and of itself to invalidate this Territorial statute, then Congress has full control over the Territories, irrespective of any express constitutional limitations, and it has legislated in respect to this matter.

It will be observed that Mr. Justice Brewer does not say that Congress may legislate for the Territories beyond the Constitution, but that the constitutional limitations do govern Congress in such legislation, merely expressing the opinion that the limitations apply rather by inference and the general spirit of the Constitution than by any express and general application of its provisions. And in the quotation made above, which is considered so important and so convincing by gentlemen on the other side that it is printed in italics in their report, it will be observed that Mr. Justice Brewer does not say that the seventh amendment does not operate, but he furnishes an additional argument in favor of the position he maintained in the case at bar by saying, "If the seventh amendment does not operate," etc.—mark, he does not say that it does not take effect, but he assumes that if it did not operate, even then the Territory had violated the organic law.

If it is possible that the Constitution can only take effect in our Territories by act of Congress, if it is possible that its limitations can only apply when Congress may see fit, if the power of extending the Constitution to our Territories is vested in Congress, then Congress possesses the power to withdraw its application. If this is so—and it is maintained by gentlemen on the other side—then there is no reason on earth why trial by jury may not be abolished in New Mexico and why a protective tariff may not be enforced against Arizona.

On the other hand, there are numerous decisions in direct opposition to the contention of the majority.

In Murphy *vs.* Ramsey (114 U. S., 44), Mr. Justice Matthews said:

> The power of Congress over the Territories *is limited by the obvious purposes* for which it was conferred, and those purposes are satisfied *by measures which prepare the people of the Territories to become States in the Union.*

The same doctrine is distinctly laid down by Mr. Justice Field in Weber *vs.* Harbor Commissioners (18 Wallace, 65).

In National Bank *vs.* County of Yankton (101 U.S., 133), the court, by Mr. Chief Justice Waite, asserted:

> All territory within the jurisdiction of the United States not included within any State must necessarily be governed by or under the authority of Congress. * * * The organic law of the Territory takes the place of a constitution as the fundamental law of the local government. * * * But Congress is supreme and for the purposes of this departmental authority has all the powers of the people of the United States, *except such as have been expressly or by implication reserved in the prohibitions of the Constitution.*

So again, in The Mormon Church *vs.* The United States (136 U. S., 44), before alluded to, Mr. Justice Bradley says:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments, but these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives all its powers than by express and direct application of its provisions.

In the case of Cross, etc., *vs.* Harrison (16 Howard, 82) Mr. Justice Wayne said:

The right to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States.

* * * * * * *

We will here briefly notice those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument, that there was neither treaty nor law permitting the collection of duties, has been answered, it having been shown that the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

It must be recollected that in this case, although Congress had not extended the customs laws of the United States to California, the Supreme Court none the less held that those laws under section 8 of Article I of the Constitution extended over the Territory of California, regardless of the fact that no legislation had been enacted so extending them.

Mr. Justice Davis said, in ex parte Milligan (4 Wallace, 120):

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

In the same case it was held that—

Neither the President, nor Congress, nor the judiciary can disturb any one of the safeguards of civil liberty incorporated into the Constitution, except so far as the right is given to suspend in certain cases the privilege of the writ of habeas corpus.

There is only one sovereignty in this country, that is the sovereignty of the people of the United States. The Constitution is one of specific grants of authority. Sufficient authority was granted to the Congress of the United States to govern the Territories, not beyond the Constitution, but within its provisions and its limitations. It is inconceivable that anyone should seriously maintain that Congress may govern the Territories according to its own will or caprice, without any limitation of its authority. It is clear that Congress has no such authority, and it is even more certain that the Constitution extends proprio vigore over all the Territories in the possession of the United States.

I feel a certain hesitation in referring to the decision of Loughborough *vs.* Blake (5 Wheat., 643), for it has been cited so often; it has been read so frequently that it is by this time absolutely familiar to all of us; however, no argument upon this subject can be made without reference to Mr. Chief Justice Marshall's opinion, which contains the following:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or *any particular portion of the American empire?* Certainly this question can admit of but one answer. *It is the name given to our great Republic, which is composed of States and Territories.* The District of Columbia or the territory west of the Missouri *is not less within the United States than Maryland or Pennsylvania: and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other.*

Mr. Chief Justice Taney, in Scott *vs.* Sanford (19 Howard, 393), said:

The power of Congress over the person and property of a citizen can *never be a mere discretionary power* under our Constitution and form of government. The power of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. *And when territory becomes a part of the United States the Federal Government enters into possession* in the character *impressed upon it by those who created it.*

It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it, and it *can not when it enters a Territory of the United States put off its character and assume discretionary or despotic powers which the Constitution has denied to it.*

It can not create for itself a new character separated from the citizens of the United States and the duties it owes them under the provisions of the Constitution. The Territory *being part of the United States*, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out, and the Federal Government can exercise no power beyond what that instrument confers, nor lawfully deny any right which it has reserved. * * *

The powers over persons and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extends to the whole territory *over which the Constitution gives it power* to legislate, including those portions of it remaining under Territorial government as well as that covered by the States.

Upon the same case, Mr. Justice Curtis said:

I can not doubt that this is a power to govern the inhabitants of the Territory, by such laws as Congress deems needful, until they obtain admission as States. * * *

If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

And Mr. Justice McLean said:

In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object.

No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit; so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

However much gentlemen may sneer at the Dred Scott decision it has never been overruled, and the Supreme Court has never given a construction of the term "United States" as employed in Article I, section 8, of the Constitution contrary to that of Mr. Chief Justice Marshall. I know that it is claimed that the opinion of Mr. Chief Justice Marshall is a dictum and not a decision. This I absolutely deny, for it was the deliberate determination of the judge upon the question pending. But even were it a dictum and even had no other decision reaffirmed it, I would prefer to accept the individual opinion of John Marshall upon the Constitution of the United States than I would the combined wisdom of the Republican party, acting under the party lash. [Applause on the Democratic side.]

A TREATY NOT SUPERIOR TO THE CONSTITUTION.

Now, as to the alternate proposition submitted by the majority, that even if the Constitution does extend proprio vigore over the Territories, in the case of Puerto Rico the treaty of Paris, as the supreme law of the land, becomes superior to the Constitution.

In the treaty of Paris it is provided—

That the civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress.

It is said that the treaty, having become the supreme law of the land, confers upon Congress the power to determine the civil rights and political status of the native inhabitants of Puerto Rico, even though this power is not conferred by the Constitution and is in violation of the provisions of that document. This contention is based on Article VI, section 2, of the Constitution, which is as follows:

This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

They insist that this provision does not say that all treaties made in pursuance of the Constitution, or consistently with the Constitution, but that all treaties made under the authority of the United States shall be, together with the Constitution and laws enacted in pursuance of it, the supreme law of the land; that no matter what the treaty may be, no matter how it may violate the provisions of the fundamental law, that treaty is superior to the Constitution.

Mr. Marcy, when Secretary of State, wrote to Mr. Mason, our minister to France, on September 11, 1854:

The Constitution is to prevail over a treaty where the provisions of the one come in conflict with the other. It would be difficult to find a reputable lawyer in this country who would not yield and readily assent to this proposition.

Mr. Marcy lived too soon, for had he been alive to-day he would have found reputable lawyers in both Houses of Congress willing to deny his proposition under the pressure of political exigency.

In the Cherokee Tobacco (11 Wallace, 616) and in Taylor *vs.* Morton (2 Curtis, 454) and in the Clinton Bridge (1 Woolworth, 150) it is distinctly laid down that a treaty may supersede a prior act of Congress and that an act of Congress may supersede a prior treaty; in other words, that a treaty is no more the supreme law of the land than is an act of Congress. If a treaty were superior to an act of Congress, how would it be possible for a subsequent act of Congress to alter a treaty? Whenever, therefore, an act of Congress would be unconstitutional, a treaty to the same effect would be unconstitutional as well. This is held in Prevost *vs.* Greenaux (19 Howard, 7), and was the position maintained by Mr. Sumner in his letter to Mr. Fish April 21, 1870.

If the contention of the gentlemen on the other side is correct, that a treaty is superior to the Constitution, then, as has been clearly pointed out by my colleague, the gentleman from Massachusetts [Mr. McCALL], it would be within the power of the President and two-thirds of the Senate to practically repeal the Constitution. I would even go further than does Mr. McCALL. If a treaty is superior to the Constitution, and if, as has been decided, a subsequent act of Congress may amend or repeal a treaty, we would

be confronted with the extraordinary proposition that the Constitution having been amended by a treaty might be subsequently amended through the amendment of that treaty by an act of Congress. In other words, a majority of both Houses, with the approval of the President and the complaisance of some petty foreign ruler, has the power to amend or to annul the Constitution. This is only the ultimate outcome of the line of reasoning followed by gentlemen on the other side, which, to say the least, would have startled the reputable lawyer cited by Mr. Marcy. [Laughter.]

To sum up very briefly the legal aspect of this case, the inhabitants of Puerto Rico became citizens of the United States the moment the cession of the island was complete, and from that moment they were entitled to all the rights and safeguards of the Constitution. The moment the cession of Puerto Rico became complete the Constitution extended over it proprio vigore, and the clause of the Constitution requiring that all duties, imposts, and excises shall be uniform applied to Puerto Rico as much as it applies to New York. The contention that a treaty is superior to the Constitution and that therefore, under the terms of the treaty of Paris, we may govern Puerto Rico as we please—if you like, as an empire within a republic—is untenable.

This bill is unconstitutional, and I have faith enough in the integrity and the ability of the Supreme Court to be confident that you are wasting time in its passage, and that it will be held to be unconstitutional when the first test case is submitted to our supreme tribunal.

THE MORAL ASPECT OF THE CASE.

There is another aspect of the question before the House quite as important as the law in the case, and that is the moral aspect. It involves the good faith, the credit, and the honor of the United States. Some people insist that there is one standard of morality for women, and that there is another standard for men. Some gentlemen distinguish between individual honor and national honor; some insist that there is one standard of honesty for the individual and no standard whatever for the nation. I know that many who are upright men in private life, and who scorn deceit and meanness in the individual, look with tolerance and even with approval upon acts of national dishonor, which they would despise if committed by a citizen of the nation. Men who would die rather than have their good names suspected will riotously applaud a policy of national highway robbery. We went to war with Spain in the cause of humanity; we conquered Spain in the cause of human liberty; we gave our deepest sympathy to the people of Puerto Rico because we knew that they were misgoverned and that they were suffering from the intolerable oppression of a civilization which had long outlived its usefulness.

Whatever may be the political status of Cuba and of the Philippines, we are concerned to-day with Puerto Rico only, and there can be no question but that the island of Puerto Rico belongs to us. The people of Puerto Rico welcomed the Army of the United States, because they had every right to think that it was the Army of a deliverer and that the day when the Stars and Stripes floated for the first time over San Juan would usher in a new era for their helpless island, an era of prosperity, an era of good government, an era of liberty, and therefore an era of happiness. Puerto Rico has come to us of her own free will, has come to us asking for the blessings of our Constitution, because of the unanimous desire of her people.

We have denied her that liberty, that freedom of intercourse with us, that she had every reason and right to expect. We have not even permitted her to work out her salvation in her own way nor to profit by the enlightenment of the civilization of that country to which she belongs through the fortunes of war and by her own volition.

Let me read from page 34 of the report of General Davis, the military governor of Puerto Rico:

> American sovereignty for Puerto Rico has so far been disastrous to its commerce, for it has deprived the island of markets where were sold nearly one-half of its total output. * * * If the present trade conditions are to continue, it is not difficult to foretell the future of Puerto Rico.

And on page 32:

> If the trade conditions between this island and the United States remain as at present, only industrial paralysis can be expected.

When Puerto Rico became a part of the United States she exported to and imported from Spain with only a nominal customs tariff, and exported freely to Cuba. After the treaty of Paris had been ratified Spain at once enforced her revenue laws against Puerto Rico and the United States continued to enforce the Dingley tariff law both to and from the island. Were this not bad enough, under an executive order a prohibitory tax of $5 a pound was enforced against all Puerto Rican tobacco imported into Cuba. The result has been, as General Davis says, absolutely ruinous to Puerto Rican industries, and, moreover, during the summer of 1899 a disastrous hurricane occurred which ruined the coffee crop for the next three years and seriously injured the tobacco and the cane.

So impressed with the necessity of relieving existing conditions in Puerto Rico was the present Administration that our most excellent Secretary of War, in his annual report for this year, stated, on page 33:

> The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

Secretary Root found an enthusiastic supporter in the President, who, in his annual message, said:

> The markets of the United States should be opened up to her (Puerto Rico) products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

I am one of those partisans who is always willing to recognize that an opponent may be right, and when I find the President of the United States solemnly making a recommendation to Congress that I think is right, I would consider myself derelict to my duty did I not earnestly support him. And thus I find myself to-day with my colleagues of the minority of the Committee on Ways and Means taking my stand in this House in support of the President against the members of the party that elected him to office.

On January 19, 1900, my able and brilliant colleague and chairman, Mr. PAYNE, of New York, introduced a bill extending the customs and internal-revenue laws over Puerto Rico. Less than three weeks later the same gentleman reported from the committee the present bill as a substitute for that originally introduced by him. It is scarcely to be supposed that the majority of this House would have so suddenly reversed itself unless influenced by the strongest motives. What those motives may have been I do not pretend to say, and it is possible that we may never know.

Referring again to General Davis, we find, on page 73 of his report:

> The people of this island have been long and thoroughly taught an unfortunate object lesson. They have seen the island governed and exploited by a class in the interest and for the benefit of a few.

Does this suggest the solution of the riddle? Can it be that we propose to continue the Spanish policy of government? Can it be that we intend to declare to the world that Puerto Rico shall be governed and exploited in the interest and for the benefit of a few?

One of the arguments used in all seriousness by gentlemen on the other side of the House in support of their refusal to give Puerto Rico free trade is that they fear Puerto Rican competition for what they are pleased to call American products, as though Puerto Rico were not a part of the United States, and that they fear that a policy of free trade with Puerto Rico will be only the entering wedge for a policy of free trade with the Philippines, should we ever in the future succeed in subduing them.

It was only a few months ago that the same gentlemen who are to-day crying out against free trade with Puerto Rico were howling down anyone who objected to or who criticised their scarcely disguised policy of colonialism and imperialism. They assured us then that the only salvation for this country, the only possibility of increasing the wealth of this nation, lay in the opening of new markets for American products. They said last year that if beet sugar and Connecticut wrappers were to be thoroughly appreciated by our people we must permit that the blessings of an artificial sugar industry and of a certainly artificial tobacco be extended, with the blessings of liberty, to the brown man of Asia and to the black man of the West Indies. And now we find these same gentlemen insisting that the beneficent Dingley tariff law shall be raised as a national bulwark against the competition of Puerto Rican sugar and of Puerto Rican tobacco, because the former might interfere with the beet-root sugar industry and the latter is so much superior to the product of Connecticut that it would drive Connecticut tobacco out of the market.

It was not so very long ago that these same gentlemen, I trust in all honesty and in all sincerity, told us who disagreed with them that we were neither patriotic nor loyal because we did not indorse their suggestion that the opening of new markets in the West Indies and in Asia would furnish a long-desired opportunity for the employment of American labor. They told us (it was a truly beautiful picture) that after the West Indies and the Philippines had become our own the American workingman, drawing from the bank his little savings, could move to our newly acquired territory, and by his superior thrift and industry compete successfully with the 10 or 20 cent daily wage of those countries, and that after a few years' residence in a perfect climate he could return home to spend in the midst of his early surroundings the fortune that he had acquired. And now when the Philippines are still a problem to be dealt with in the distant future, when only Puerto Rico with her million inhabitants is to be considered, they fear the competition of peon labor; they dread that the American workingman can not compete with the 20-cent wage of the West Indies. If they know that to-day, they knew it last year. If they realize now that the competition of peon labor is dangerous, they realized it then.

When Frankenstein created his monster he though himself one of

the wisest of men, and yet that monster came back to plague him, and he died in the effort to save himself from his own folly. If an argument were needed to show the absolute incapacity of the Republican party in government, the speeches that have been made during this debate would furnish it. They have created their monster, a monster of pauper labor, and now that he threatens to come back to plague them with his competition to the industry of self-respecting American workingmen, they dodge and squirm and suffer in their efforts to undo the harm that they have done. [Applause on the Democratic side.]

But Puerto Rico belongs to us, and it is a problem that must be solved now. It is a part of the United States; the Constitution extends over it; its territory is our territory; its people are our citizens. Does the majority, after having embarked upon the unknown sea of foreign conquest, propose now to dodge the consequences of its own wrong? Does it propose to revive in the government of Puerto Rico the long-exploded eighteenth-century colonial system? Does it mean to say that, having acquired Puerto Rico in the interest of humanity and in the cause of liberty, we shall govern it in the interest of beet sugar and in the cause of Connecticut fillers? The case of Puerto Rico is very different from that of the Philippines, for its inhabitants are few and capable of education; they are peaceful and are anxious to obtain the blessings of American civilization, and what is more, they are at our very doors.

I believe that we can only hold territory, as a nation, in trust for the States that are ultimately to be erected out of that territory. I believe that we can only hold the territory of Puerto Rico in trust for the sovereign State that will be some day admitted into the Union. We are only dealing with Puerto Rico now, and yet the majority see in the proposition an endless skein of complications, for they know that, however they may disguise it, they propose to hold the Philippines in perpetual servitude.

But we as a nation have given our sacred pledge of honor to Puerto Rico that we would treat her as a part of this country. Might does not make right. We have the power to repudiate our plighted word; but if there is any honor in nations, if there is such a thing as national good faith, Puerto Rico has the right to demand of us that sooner or later she will be received as a State in the Federal Union. To make her fit for self-government we must first care for her material prosperity. Common honor, common justice, ordinary good faith require, the Constitution, which is the fundamental law of the land, demands that we give Puerto Rico free trade.

There are those of us who are fond of saying that the white man's burden lies far beyond the summer seas, and that the white man's duty requires that he bear his burden, no matter how much it may oppress him. There are those of us, who in all sincerity, maintain that it is the duty of this country to extend the blessings of its civilization to the people of the East. They tell us that an open door in China would increase our commerce, and that the addition of millions of pauper savages to our body politic will improve the condition of American labor. I may be conservative beyond reason, but I think that I am an humble member of the great majority of the people of this country when I believe that the greatest glory of a free people is in its honor and in its righteousness as a nation; that there is only one rule of conduct for the individual and for government; that the same standard of honor should govern this Congress as governs its most inconspicuous member; that our ultimate destiny must be worked out in the factories of New York and on the fishing smacks of New England, in the wheat fields of the West and the plantations of the South; that we must strive for happiness, not in Asia, but in America; that the radiance of our flag consists not in the triumphs of unnecessary foreign wars, but in the triumphs of necessary domestic peace; that the wealth of this nation should not be expended in behalf of the selfish ambitions of the few, but in the cause of the many; that the duty of the United States does not lie in the conquest of Oriental peoples, but in the conquest of the happiness of our own. [Loud applause.]

Mr. Chairman, I yield the remainder of my time to the gentleman from Tennessee.

Mr. RICHARDSON. I yield to the gentleman from Georgia.

The CHAIRMAN. How much time?

Mr. RICHARDSON. The balance of the hour.

Mr. BRANTLEY. Mr. Chairman, what is to be done with the Philippines? What is to be their future? What is to be the policy of the United States Government with reference to them?

These are questions that interest and concern many people. They deeply concern not only the Filipinos, but as well the people of America, and the answers to them are anxiously awaited by the people of the civilized world. Their importance can not be overstated or overestimated. Upon the answers to them depend the hopes, the aspirations, and the destiny of a people struggling for liberty; and, more than this, there are many who believe that, unless all history be false, the final answers to these questions will determine the fate of a Republic more than an hundred years old, and will settle forever the question as to whether or not a free people can perpetuate self-government or whether such a government must in time perish from the earth. If we concede the gravity of these questions—and all must concede it, no matter from what standpoint they are viewed—it is important to know who can answer them, and it is doubly important to know what the answers will be.

It is not questioned or denied that the power to answer these questions is vested in Congress and in Congress alone. The organic law so provides, and the President in his last annual message to us directed our attention to them. He said:

> The future government of the Philippines rests with the Congress of the United States.

He further said:

> Until Congress shall have made known the formal expression of its will, I shall use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in these distant islands.

In an address delivered by him in Boston, on February 16, 1899, he also said:

> This whole subject is now with Congress; and Congress is the voice, the conscience, and the judgment of the American people.

It does not occur to me, therefore, that, viewing these questions from the standpoint of the Constitution and the President's utterances, that it is inappropriate for a member of this House to discuss them, and not only to discuss them, but to suggest the answers that should be made. Indeed, I believe it not only appropriate so to do, but, in my opinion, a solemn responsibility rests upon this Congress not only to discuss these questions, but after discussion to act, and declare to the Filipinos, the Americans, and all the world what the policy ot this great Government with reference to the Philippines is.

On December 10, 1898, a treaty of peace with Spain was agreed upon, and on February 6, 1899, that treaty was ratified by the United States Senate, and the war with Spain which had, for all practical purposes ended months before, then became theoretically and legally at an end, and, so far as the Congress was concerned, the United States was at peace with all the world. Under that treaty, so ratified, it was provided that:

> The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

There are some who insist that this provision of the treaty is the supreme law for the guidance of Congress, and that, under this provision, Congress has unrestrained power to provide such civil rights and such political status for the Filipinos as the will of Congress may deem proper to provide. I do not subscribe to any such doctrine, for I believe that, under this provision of the treaty, Congress must fix the civil rights and the political status of the Filipinos in accordance with the terms and the limitations of the Constitution.

But, passing this question for the present, I would call attention to the fact that this treaty is more than twelve months old; the responsibility that it puts upon the Congress was placed there more than a year ago, and yet Congress has taken no step to formulate a policy, or to meet its responsibility, or to discharge the duties that lie at its door.

It is said, however, that Congress can do nothing, because the Filipinos are in a state of insurrection, because a state of war between them and us exists, and that until it shall have been ended and peace restored Congress should do nothing. As an humble member of this House I dissent from this proposition.

If we concede that the President, through proclamations and by commissioners, has earnestly endeavored to persuade the Filipinos to lay down their arms and to accept the sovereignty of the United States, we are still confronted with the fact that the President was and is without power to announce to the Filipino people a definite policy or to pledge the faith of this country to any given policy, because this country can have no policy and the President can commit it to none until Congress has declared one.

General Otis, in a letter addressed by him on January 9, 1899, to the insurgent leader, Aguinaldo, used this language expressive of the situation. After stating that a treaty of peace with Spain had been agreed upon, he said:

> This treaty acknowledgment, with the conditions which accompany it, awaits ratification by the Senate of the United States, and the action of its Congress must also be secured before the Executive of that Government can proclaim a definite policy. That policy must conform to the will of the people of the United States, expressed through its representatives in Congress.

General Otis also informs us, and I quote his exact language as found in his report:

> Repeated conferences were held with influential insurgents, whose chief aim appeared to be to obtain some authoritative expression on the intent of the United States with regard to the Philippines, and complained that they were unable to discover any one who could speak ex cathedra. They asserted that their Malolos arrangement was a government de facto, which had the right to ask an expression of intent from the United States Government.

Is it any wonder that the Filipinos could find no one that could speak ex cathedra as to the intent of this Government? Is it any wonder that up to this hour they have been unable to find anyone

who could so speak? The only persons who could so speak have remained silent, and they are silent until now. This Congress should have spoken long ago. It should speak now. In the light of all that has developed since this warfare began who can say, if the Congress had measured up to its duty and declared the intent of this Government to be to give the Filipinos their independence, that all the rich American blood and all the treasure that has been poured out in these islands could not have been saved?

Who can say that such a declaration now would not stop the sacrifice of life and the drain upon the resources of our people? It may be a mere theory that such a declaration would have such an effect, and yet it is a theory well founded upon the knowledge our people have of the motives and inspirations that move any people who strive for liberty and independence. It is a theory well worth the trying if we have in our hearts the determination and the intention now or in the future to accord independence to the Philippine Islands. [Applause.]

Again, who can say that a declaration from the Congress before this unhappy warfare began that it was the intent of this Government to permanently retain the Philippines would not have avoided a war? Who can say that such a declaration now would not end it? If the Filipinos knew that this Government, by its Congress, had fully determined to subdue and subject them as a dependent people, is it beyond reason that dismay and discouragement would seize them and that they in despair would cease the conflict? They have been told that Congress alone has the power to announce such a determination, and they know that Congress has never announced it; they know that the treaty of peace left their civil rights and political status to be determined by the Congress, and they know that Congress has never determined them; they know that their future is in the hands of a free people governing a great Republic, and is it too much for them to expect and to believe that the free will give freedom?

If they so expect and believe, will not this belief continue to nerve them to give battle, and will not that hope continue to animate them until the hope itself is denied them? I am ignorant of the motives that impel gentlemen of the majority in this House to maintain their position of inaction on this great question, and I do not undertake to impugn their motives or the motives of anyone. I confess my surprise, however, confronted, as we are, with the possibility always of bringing this war to a close by a positive declaration of policy, that no policy is declared. I confess my surprise that, with a duty and a responsibility upon us to act and to act quickly, this Congress does not stir.

All that Congress has done has been by indirection. No affirmative action has been taken.

When the House voted to pay the $20,000,000 to Spain that the treaty provided for, all amendments looking to a declaration of policy were refused. The House was unable to declare one. Many members voted to pay the twenty millions not because they approved the acquisition of the Philippines, but because they believed that the Constitution vesting the President and the Senate with the power to make this treaty, and the treaty having been made, the same became an obligation of the Government that we were in honor bound to pay. For the same reason, without division of party, war supplies have been voted. Our soldiers without their volition were in the Philippines. They were being attacked. We could not desert them. Our flag was being fired upon; whether rightly or wrongly we could not stop to inquire. We simply went to its rescue. [Applause.]

But, throughout it all, Congress has never announced a fixed intention or ever declared a settled policy with reference to the Filipinos.

Is it possible that we are afraid to act because some think that any action by us or any declaration by us affirming our allegiance to the principles of freedom would encourage an enemy against the United States? Are we to abdicate our functions and sit with mute lips and folded hands and await a policy to be formulated and declared by the President and submitted for our ratification? What has come over the once proud spirit of American independence—a spirit that has reached its highest acclaim in these halls—that we should sit and await the directions or instructions from anyone save the great body of the people?

Mr. Chairman, one set of commissioners have already been to the Philippine Islands, and have talked with the insurgent leaders and citizens of these islands, and have issued proclamations announcing some of the purposes of this Government. They went without knowledge of the intention of Congress and without its instructions. They have returned and have presented us with voluminous literature as to the result of their visit. We see it stated in the newspapers that another commission is about to be appointed to visit these islands for the purpose of inaugurating a civil government there. What kind of a civil government will this new commission organize? Where will it get any authority expressive of the will of the American people to organize any government? I insist, Mr. Chairman, that if this new commission goes, it should go clothed with authority from us, and should go prepared and fortified to declare in unmistakable terms what the intent of this Government is, and go with authority to establish the government there that this Congress has determined should be established.

There has been considerable talk about our duty to the flag and our duty to uphold the President. Indeed, some have gone so far as to confound the President and the flag as one and the same, and the proposition has been broadly hinted at that one could not disagree with the President without being disloyal to the flag. I feel sure that no gentleman in this House has indulged in any such talk or indorses any such sentiment. There is but one flag for all of us, and we all love it. [Applause.] This has been demonstrated in this House time and again when, without a dissenting vote, we have voted men and munitions of war for the purpose of defending it. We who hold commissions here, however, are in our sphere charged with as much responsibility as is the President. Indeed, so far as this war is concerned, there is more responsibility upon the Congress than upon the President. We alone have the power to declare war; and it necessarily follows that if we sit idly by and allow the President to wage a war, we become responsible for it, whether we approve it or not. We have not yet reached the period in the American life where freedom of speech can be denied either to the people or to their representatives, and more than a hundred years ago we repudiated the doctrine of tyrants that "the king can do no wrong," and surely there are none now in free America who are willing to invoke such a declaration.

We have the right to differ from the President. We have the right to differ with each other. We should be able to disagree without charging "treason" or "disloyalty." No great question was ever solved by crimination and recrimination. We should discuss the great questions confronting us with all the solemnity that their importance demands.

In my opinion the questions presented by the Philippine problem are not political. They are national and fundamental. They go to the fireside in the home of every citizen. They concern the traditions and the policies of this Government from its foundation until now. They involve the Declaration of Independence, the Constitution, and all our glorious past. They have to do with the lives and the health of thousands of American soldiers bearing arms beneath the American flag. They should be discussed from the standpoint of free American citizenship, and not from the standpoint of any political party.

Mr. Chairman, in the limited time at my disposal I can not hope to discuss all the phases that the Philippine question presents, nor can I hope to discuss any one of them at the length and with the completeness that its importance deserves. I will not speculate upon what ought to have been done. I wish to talk of what should be done now. I submit two propositions to this House: In the first place, I insist that in the interest of peace, in the interest of our soldiers and sailors, in the maintenance of the dignity and power of Congress, and in fulfillment of our solemn obligations, this Congress should affirmatively declare a policy, whatever that policy may be, as to the purposes and intentions of the Federal Government with reference to the Philippine Islands. I submit, in the next place, with equal earnestness, that the policy to be declared should be a policy looking to the release of the Philippine Islands from the sovereignty of the United States.

Mr. Chairman, I am not so much concerned about the style and form of government that the Filipinos should have as I am concerned that we should absolve ourselves from their government at the earliest possible day. I do not claim for the views I present any special merit of newness or of originality. I simply claim for them sincerity. I do not believe, technically and legally speaking, that we bear the same relation to the Philippines that we do to Cuba. Morally speaking, I believe the relation is the same. In the treaty of peace, "Spain relinquishes all claim of sovereignty over and title to Cuba," but does not cede that sovereignty to us. In reference to the Philippines, the treaty declares, "Spain cedes to the United States the archipelago known as the Philippine Islands." It appears from a reading of the treaty that in the case of Cuba we take the title to hold in trust, as it were, to be delivered after the pacification of the island to the Cubans, while in the case of the Philippines we take outright and to ourselves whatever title Spain had to the Philippines.

It therefore follows that we are vested to-day with just as good a title, and no better, as Spain had and held. While this is true, I nevertheless believe that when the Fifty-fifth Congress declared that the Cuban people "are and of right ought to be free and independent," they in effect declared the same of the Filipinos, because it would be absurd and ridiculous to give any other meaning to the declaration. We could not have stood before the civilized world and said, "The Cuban people are and of right ought to be free and independent, but the Filipinos are not and of right ought not to be free and independent." The declaration we made was a declaration of freedom, and, although it was limited to the Cuban people, it was so limited because they were the only people at that time involved, but the principle and the spirit involved in the declaration was as broad as the universe.

I believe, too, that when the Fifty-fifth Congress declared it to

be the determination of the United States to leave the government and control of the island of Cuba to its people, after the pacification thereof, it was equivalent to a declaration that the United States was not engaged in a war of conquest, and did not expect to demand any enlargement of its territory or any enrichment of its Treasury as the result of its victorious arms. It was a declaration so lofty and so noble that it thrilled every American heart and proclaimed again to the world that a new government, upon new theories higher and better than the Old World ever knew, existed in the Western Hemisphere. It was such a declaration as only a government founded upon liberty could have uttered. It follows, if my construction of the resolutions of Congress is correct, that, morally speaking, there is no difference between the status of Cuba and the status of the Philippines so far as the United States Government is concerned. [Applause.]

The technical difference, however, that does exist involves a difference in the course to be pursued by the Congress. In the case of Cuba a policy of inaction is all that is necessary to prevent us from embarking in a colonial enterprise there, while in the case of the Philippines and of Puerto Rico a policy of positive action is necessary to undo the entry that has already been made into a colonial venture, in order to save this country from the perils of colonial government.

Gentlemen who speak of those who oppose the permanent retention of the Philippines as mere obstructionists demonstrate that they have not given the subject the consideration that its importance deserves. The foundations of empire have already been laid. The beginning of a colonial system of government has already been inaugurated. There are those of us who would undo this wrong and who would put the ship of state back into the waters in which she has sailed so long. Those of us who wish this done desire positive action in order to do it. Those who oppose it are the real obstructionists.

In reference to our title to the Philippines, it occurs to me that our status is about this: We took a conveyance of title from Spain, and we hold by that means the paper title to the islands. When we came to take possession, however, under our title, the Filipinos interposed an adverse claim. They claimed an adverse possession and set up a prescriptive title. Those of us who have practiced law have seen many a good paper title defeated by a superior prescriptive title. When the Filipinos thus joined issue with us upon the question of title, we sought in no way to adjust our differences with them. We appealed to no peaceful forum to determine the disputed issue, and thus it followed that the issue of title was put to the arbitrament of the sword for determination. Possibly, if we had called the conscience of the world into a court, and had appeared in such a forum to test our rights, we might have had it suggested to us that Spain held Cuba by the same right that she held the Philippines; that her title to the one was as good as to the other, and we might have been asked how we reconciled the fact of our repudiation of her title to Cuba and yet held as valid and legal her title to the Philippines.

We might also have been asked, if we really believed that by her corrupt rule Spain had forfeited her title to Cuba, if, for the same reason, we did not really believe that she had also forfeited her title to the Philippines. It might have been asked us, too, if England did not have as good title to her American colonies as Spain ever dared to claim to the Philippines, and if we now believe that our forefathers were right in repudiating the title of England. It is possible also that we might have been asked, if we now believed in the validity of Spain's title to her colonies, how it was that we recognized her rebellious colonies in South America when they disputed that title. Some of these questions might have been troublesome to answer, but, whether for that reason or for some other, we did not stop to argue or dispute the question of title, but proceeded with Army and Navy to take possession of these islands under the title that we had.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent that my colleague be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his colleague be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BRANTLEY. Believing as I do, Mr. Chairman, for the reasons given, that our moral duty to the Philippines is the same as it is to the Cubans, I insist that we should accord to them the same freedom that we propose to accord to the Cubans.

I recognize the fact, however, that, so far as the Cubans are concerned, we are neither expected to or have the right to organize a government for them. Indeed, under the treaty of peace, in which Spain did not cede her sovereignty in Cuba to us, and under the resolution of Congress declaring war against Spain, in which we disclaimed any disposition to exercise sovereignty, jurisdiction, or control over Cuba, except for the pacification thereof, and asserted our determination when that was accomplished to leave the government and control of the island to its people, we have nothing to do with a government in Cuba. Our plain and manifest duty is to get out of Cuba after its pacification. In the case of the Philippines we have the technical right, under our title, to establish a government there, provided we establish it under the Constitution; nor will I stop to discuss the proposition that by the act of cession of these islands to us we assumed certain international obligations to establish a government there; nor will I stop to discuss the proposition that some obligation rests upon us to restore order in the islands for the good of the inhabitants thereof. I am willing, for all the purposes of my argument, to concede that such obligations rest upon us; but when, with the aid of the natives, whose aid we should invite, we have performed these obligations, I insist that our duty then is to get out and leave the government and control of these islands to their own people. In the case of Cuba we must get out after pacification, and in the case of the Philippines we ought to get out after the establishment of a government there, and we ought to declare now that such is our purpose.

Delay may be necessary to determine how valuable the Philippines are, but time is not of the essence in determining the great question of intention or in choosing between that which is morally wrong and that which is morally right. It will take time to perfect a permanent government for the Philippines, but no such time is necessary to determine whether or not we intend to establish such a government. Some people say, What will become of the Philippines when we leave them? I ask what will become of Cuba, that we have already determined to leave? "Sufficient unto the day is the evil thereof." When we have determined to leave the Philippines, I doubt not but that the wisdom and patriotism of the American Congress will find a way to carry that determination into effect, and a way by which the honor and the prestige of the American name will be sustained. When we have declared our intention, we will then determine the method of its execution. It will not do for gentlemen to say that a declaration from us would not bind a subsequent Congress, and therefore there is no reason to make it. We might with as much propriety decline to enact any legislation upon the plea that a subsequent Congress may repeal it. If we decline to declare the intention of the United States in regard to the Philippines upon such a ground, the next and each succeeding Congress may likewise decline to do so upon the same ground, and thus the Philippines would be fastened upon us forever. It is sufficient for us to perform our duty as we see it. We can not avoid doing so upon the pretext that in the future other people may not perform theirs.

Great stress is laid by some upon the strategical value of these islands to us, and it is insisted that we need a base of operations and a base of supplies there. I will not stop to argue this proposition, because I do not suppose that anyone doubts that it is within our power before we get out of the Philippine Islands to arrange with their government for whatever coaling stations and harbor facilities and commercial advantages that we desire. Indeed, I do not suppose there is an individual anywhere who doubts that we could leave the Philippines to-morrow, if we so desired, upon our own terms and our own conditions. It seems to me, therefore, that all the argument in favor of a permanent retention of the Philippines upon such grounds as these is pointless, because all that we desire, all that we need, and all that we could claim we could have without a permanent retention of the islands.

In my opinion there are but two courses open for the United States to follow in reference to these islands. If it should be the will of the American people, as represented in Congress, to permanently retain these islands, then in the resolution declaring such intention there should be included the further resolution declaring our intent and purpose either now or in the future to incorporate these islands into statehood. The only other course open to us to pursue is to vacate the islands, leaving the people thereof to control their own government whenever the same is established.

I do not believe that we have the power to annex any territory, whether by peaceable or forcible means, when we do not at the time or in the future ever intend to incorporate such territory into our Union as a sovereign State and to extend to the inhabitants thereof the rights of citizens of the United States. There are those, however, who insist that we have the right to annex territory without any such intention, and that Congress has the power to govern it outside of the Constitution. I can not assent to any such belief or any such proposition.

We have such a proposition squarely presented to us now in the pending bill, wherein it is proposed to levy impost duties upon the products of Puerto Rico into the United States, Puerto Rico now being a part of the United States. The bill is in violation of the Constitution of our country. It is a bold announcement of an imperial policy. It can not be defended upon the ground that the tax is small. The question presented is not one of dollars, it is one of principle. It is not a question of free trade or of protection, it is a question of Constitution or no Constitution. The majority of the Ways and Means Committee who have reported this

bill advise us in their report, in answer to the suggestion that this legislation will set a precedent for the Philippines, that they expressly assert by this bill the right to discriminate between Puerto Rico or the Philippine Islands and the United States.

They inform us by way of argument that it was the people of the original thirteen States who formed the Union, that it was for themselves and their posterity that the Union was formed, and they conclude and solemnly state "that upon reason and authority the term 'United States,' as used in the Constitution, has reference only to the States that constitute the Federal Union, and does not include Territories," and they further conclude "that the power of Congress with respect to legislation for the Territories is plenary." They base their conclusions largely upon the proposition that the treaty of peace with Spain left Congress with the power to determine what legislation should be enacted for the islands ceded, and that the law of the treaty is supreme.

I would suggest that before the treaty was framed the Constitution existed, and that before these islands were ceded the Congress of the United States was organized. I submit that the Constitution is the supreme authority in this country, above statutes and above treaties. The treaty-making power, existing itself by the power of the Constitution, can not confer a power to override the Constitution. Congress has no power that it does not derive from the Constitution. The President, by the help of a foreign nation and the United States Senate, can not alter or amend the Constitution. He can confer no power upon Congress that it does not already possess. He can not subtract from any power that already exists. The treaty may enlarge the territory over which the Congress may legislate, but the treaty can neither add to nor take from the limitations of power that are imposed by the Constitution upon the Congress. It is undoubtedly true that in the prosecution of a war the President may seize foreign territory. He may by treaty have this territory annexed to the United States. He may do this in times of peace.

Until the act of annexation is complete by the formal ratification by the Senate, the President may exercise military rule and maintain military government over the ceded territory. Whenever, however, the final formalities of the annexation are complete and the ceded territory becomes a part of the United States, it becomes as much a part as any State or Territory in the Union. During the formative period of organizing such a territory into a Territorial government the President may govern the same until the Congress is prepared to act, but whenever Congress undertakes to legislate for the ceded territory it must legislate under the terms of the Constitution. This proposition has time and again been affirmed by our Supreme Court. The clause in the Constitution providing that "Congress shall have power to dispose of and make all needful regulations respecting the territory and other property belonging to the United States" has been repeatedly construed to mean that this power is given subject to the limitations of the Constitution. It is not a despotic, arbitrary power, to be used without restraint. Congress possesses no such power for any purpose. The power given is plenary, but plenary in the sense that it is as full and complete as the Constitution will allow. Chief Justice Waite, in 101 U. S., 132, clearly states the true construction of this clause when he says:

> But Congress is supreme and for the purposes of this department of its governmental authority has all the power of the people of the United States, except such as has been expressly or by implication reserved in the prohibitions of the Constitution.

The same principle is enunciated in 98 U. S., 162; 166 U. S., 707; 170 U. S., 346; 114 U. S., 15; 127 U. S., 550; and in many other cases. Congress, in legislating for a Territory, assumes the powers of a State legislature in addition to its powers as the Congress. The Territorial courts that it provides have the jurisdiction of State courts as well as of the Federal courts. This is all manifestly proper, because the Congress is the only power that can govern the Territory, and yet Congress can pass no law for any Territory that is prohibited by the Constitution. It is subject always in all that it does to the limitations upon its power fixed by the Constitution.

Mr. GAINES. Will the gentleman yield to me for a moment?

Mr. BRANTLEY. Yes.

Mr. GAINES. A few moments ago you stated that you did not believe that Congress had the power to hold territory except for the purpose of ultimately admitting it into the Union as a State.

Mr. BRANTLEY. Yes.

Mr. GAINES. I now cite an authority which reviews the question elaborately. It is found in the case of Shively *vs.* Bowlby, in 152 U. S. Reports, page 49. The court says:

> *The Territories acquired by Congress*, whether by deed of cession from the original States or by treaty with a foreign country, *are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects*, and the title and dominion of the tide waters and the lands under them are held by the United States for the benefit of the whole people, and, as this court has often said, in *trust for the future* States.

That case has been recently reaffirmed in the case of Morris against the United States, in 174 United States Reports.

Mr. BRANTLEY. I thank my friend. I have those authorities with my remarks.

The gentlemen of the majority, as I understand them, admit that the Constitution is supreme so long as the Congress is legislating for the States, but that the Constitution does not prevail when the Congress is legislating for the Territories. In other words, the Constitution is recognized in the United States, limited, but is unknown in the United States, unlimited. I understand from them that, in their opinion, the Constitution does not extend over any part of the vast territory of the Philippines or of Puerto Rico, and that Congress, which has no power except under the Constitution, has unlimited and unbridled power and authority to frame any government and enact any laws in these Territories that may suit its will and pleasure.

I understand from them that they believe that no restriction, fundamental or otherwise, is put upon Congress in legislating for these Territories except the prohibition of slavery. I understand from them that we can tax the people in these islands as much or as little as we please; that we are not called upon or required to give them representation before we tax them; that their consent is not necessary to any government we may choose to put upon them or to any laws that we may determine to enact for them. As I understand, further, the position of the gentlemen of the majority of the committee, they hold that the inhabitants of these islands can not be interfered with in the free exercise of their religion, because the treaty with Spain provides that this shall not be done, but that they hold that, the treaty not providing to the contrary, Congress is not bound by the limitations on its power fixed in the Constitution. I therefore understand that if the position of these gentlemen be correct, Congress may in time of peace suspend the writ of habeas corpus in these islands; may pass bills of attainder and ex post facto laws; may infringe the right to keep and bear arms; may quarter soldiers in time of peace in any home without consulting the owner; may institute unreasonable searches and seizures of the people and their houses and issue warrants without probable cause and without oath or affirmation, and may deny the right of trial by jury.

Mr. Chairman, it is enough to shock the moral conscience to know that in this day of enlightenment, when we believe the principles of free government to be better understood than they have ever been before, gentlemen claiming allegiance to a free government should assert the right and power of this Congress to thus rule and govern a people who form a part of the United States and over whom float the Stars and Stripes which such people are expected to love and to reverence. If we carry this position to a further conclusion, we find that the Constitution prohibits the granting of titles of nobility by the United States; but if the Constitution does not apply to Puerto Rico or the Philippines, and if the power of Congress is plenary in dealing with these islands, what is to hinder Congress from enthroning a king upon these islands and creating the right of succession and providing for lords and dukes and all the court machinery necessary to create an ideal monarchy? Could anything be more repellant to the American mind? Is not the mere statement of the possibility of such a thing a sufficient argument itself against the proposition that is insisted upon? [Applause.]

I would beg to suggest that the argument of the majority of the committee that the Constitution is for the States alone is not new. It was first suggested by those who opposed the accession of Louisiana. These gentlemen were given to quoting the preamble to the Constitution, beginning, "We, the people of the United States," and saying, "It is we, the people of the United States, for ourselves and our posterity, not for the people of New Orleans or of Canada; none of these enter into the scope of the instrument." And yet those who in their day opposed the annexation of Louisiana because they believed there was no warrant or authority under the Constitution for it were overruled, and Louisiana was annexed. Those to-day who oppose the annexation of the Philippines are pointed to this past history as an answer to their objections.

The answer, however, does not appear to be all that is claimed for it, for we are now told that the opponents to the annexation of Louisiana were wrong, that the Constitution provided for it, and yet we are also told that this same Constitution, although providing for annexation, does not provide that its sheltering protection shall extend over the territory annexed. It would thus appear that we are involved in the unfortunate predicament where we must either deny the Constitution in order to annex or deny it after annexation in order to govern. It seems to be simply a question of where we will deny it, for somewhere we must lay it aside or our schemes can not go through. It seems to be a sorry dilemma in which we find ourselves, no matter which way we turn.

In attempting to pass this bill the grievances of the American colonies are pushed into the background and forgotten. We are asked to steel our hearts and close our ears to the remonstrances of our forefathers, that through the cycles of time have ever rung in the ears of American patriots and that until now we have ever believed would ring in all the ages to come. [Applause.] How

soon are we asked to forget that it was a protest against taxation without representation and not a thirst for liberty that first provoked the Revolutionary war! How soon are we asked to forget those ringing and one time thought never to be forgotten words of the brave Virginians of old, when they declared, "No power on earth has a right to impose taxes on the people or take the smallest portion of their property without their consent given by their representatives." [Applause.] This principle, the Virginians said, is the "chief pillar of the Constitution," without which "no man can be said to have the least shadow of liberty," since no man could be truly said to possess anything if other men could lawfully take away any portion of it. [Applause.]

I have no desire or intention to enter into a discussion of the legal authorities bearing on this question and shall refer to but few of them. They have been so ably presented that there is nothing left for me to say in reference to them. The Constitution provides that "all duties, imposts, and excises shall be uniform throughout the United States." It also provides that "no tax or duty shall be laid on articles exported from any State." It also provides that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another." These provisions of the Constitution, it seems to me, are sufficiently clear in their meaning as to absolutely prohibit the passage of this bill. I think the language used is too plain to admit of construction, but, if any is needed, in my judgment the opinion of Justice Marshall in 5 Wheaton, 317, is all that is necessary. In this case, in construing the first provision of the Constitution I have quoted, he says:

> The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the Territories west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary on the principle of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than in the other.

In addition to this I would also cite the striking language employed by the Supreme Court in the Dred Scott decision, in 19 Howard, 432. Gentlemen may call this language a dictum or what not, but none of them will ever successfully reply to the great truth that it so clearly states:

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character. The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not be held as a colony and governed by Congress with absolute authority.

This bill is squarely in conflict with two provisions of the Constitution. Puerto Rico being a part of the United States, a duty upon articles imported into the States from Puerto Rico violates the uniformity of duties that the Constitution says must exist throughout the United States. In the next place, the bill in proposing a duty at Puerto Rico on all goods imported from the States into Puerto Rico not only violates the principle of uniformity, but further violates that other provision of the Constitution, that "no tax or duty shall be laid on articles exported from any State," for it can not be denied that this duty, although collected in Puerto Rico, is in fact an export duty on the goods sent out from any State. All the ingenuity and all the sophistry of our friends on the other side can not refute a proposition that is as plain and manifest as this.

It is an interesting fact that when the Ways and Means Committee first undertook an investigation of this subject they were not sure as to the meaning of the term "the United States" as found in the Constitution, and they appointed a subcommittee to make research and advise the full committee as to the exact meaning of this term. As a result of this research the committee reached the conclusion that the term "the United States" does not include Territories, and they presented a most elaborate argument to sustain their conclusions, and to further establish the proposition that the power of Congress in legislating for the Territories is plenary. Now, "plenary" means "full in all respects or requisites," "entire" and "complete," and it seems to me that if the power of Congress be plenary, all discussion as to what the Constitution means is superfluous so far as this question is concerned. If the Constitution does not extend to Puerto Rico, and, if the limitations prescribed in it are not binding upon Congress in legislating for Puerto Rico, of what interest is it to know what the term "the United States" means? Or of what necessity is it to construe the Constitution at all?

I beg further to say that, in my opinion, all the authorities and all the precedents cited by those who uphold this bill are in vain; they are not precedents; they do not apply; they do not present parallel cases, because I submit that never before in the history of the Congress has it ever been attempted to legislate for any people for whom there did not exist, by treaty or declaration somewhere made, an intention upon the part of the United States to incorporate these people into citizenship and statehood. I realize, Mr. Chairman, the predicament of our friends upon the other side who favor this bill. Against their duty to obey the Constitution comes the desire not to antagonize the agricultural or industrial or labor interests of this country by admitting free of duty the products of the several islands annexed, and neither do they wish to antagonize any of these interests by removing all restrictions upon immigration from these islands.

The predicament in which they find themselves is serious. Upon the one side is the Constitution and the rights of the Puerto Rican people now, and the rights of all our other islands in the future, none of which can vote. Upon the other side are American interests, each one controlling votes. I would not charge that the latter side have prevailed in the deliberations of the gentlemen of the committee because of their power, but, reading the present in the light of the past, I am not surprised that they have done so. I do not know and do not charge that such considerations have controlled the committee in thus departing from the Constitution and from the lead of the President, whom they have been so blindly following throughout the discussion of these new questions, and yet it is an interesting thing to note the report of the Ways and Means Committee recommending this Puerto Rican tariff, and then to note the recommendation of the President in his last annual message, when he said, "Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our market," and also to note the recommendation of the Secretary of War, who says, "I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed." We note these things and wonder why the departure.

Mr. Chairman, I am not unmindful that there are interests, and perhaps large interests, of this country that will be affected, and possibly seriously affected, by free trade between the United States and the islands recently acquired. I would avoid such injury if I could; but in my judgment, if the American people make up their minds to hold these islands as a part of the United States, they must likewise reach the conclusion to endure whatever hardships are thereby entailed. I do not believe that we of the Congress can keep unsullied the great trust reposed in us and "shut up" the Constitution to protect any interest that now or hereafter may flourish in the United States. [Applause.]

So far as Puerto Rico is concerned, no substantial injury could come to American industries by free trade with it. The island is only about 40 miles wide and 80 miles long, and all that it could produce would be but a small fraction of the production of this country. The trouble with the gentlemen of the committee is not free trade with Puerto Rico. It is free sugar from Cuba and the Philippines that they fear. They are afraid of the precedent that free trade with Puerto Rico would establish. And so with this fear, which is a fear of the protected sugar barons, they turn down the Constitution and turn a deaf ear to the appeals of Puerto Rico for relief and propose this bill. Aside from all constitutional questions, the bill should not pass because of its injustice to the Puerto Ricans. They are entitled to our markets, for we, by our act, have shut them out from all others. The Merchants' Association of New York City have investigated this question, and they have declared for free trade with Puerto Rico, in order that we may keep faith with its inhabitants and do but simple justice to them. They quote approvingly from Mr. William R. Corwine, whom their association sent to Puerto Rico to investigate trade conditions there. Mr. Corwine said:

> Place the inhabitants in the position where their trade can be extended and all will be well; but if this policy which contracts trade and increases pauperism continues, the questions which in prosperity would become minor ones will grow in importance, and instead of a feeling of contentment, which makes government easy, a spirit of discontent will arise which may render government hard. The Spaniards ruled by force. We can rule through the affections of the people. Shortened purses and empty stomachs, however, are not the bases upon which affection thrives.

As illustrating the distressing conditions which prevail in Puerto Rico—conditions that demand liberal treatment from us, that demand free trade, justice, and equality—I quote a late dispatch that appeared in the Associated Press items:

SAN JUAN, PUERTO RICO, *February 17, 1900.*

> Several of the largest merchants of San Juan, upon being interviewed, unanimously expressed the opinion that immediate Congressional action is absolutely essential to the interests of the island. They say that the crops are immovable, the proposed duty under the Foraker bill on sugar and tobacco being prohibitive. There are now 3,300,000 pounds of tobacco ready for shipment, and by August there will be 5,000,000 pounds. The best price obtainable for tobacco in New York under the half-dollar duty is about $1.85.
>
> There has been a small coffee crop, owing to the hurricane, and sugar can not pay the duty imposed, the planters holding their products and awaiting the action of Congress. There is no money to plant new crops or to pay laborers, thousands of whom are on the point of starvation, being unable to obtain

work. The estates are idle and bankers refuse to advance funds on account of the extension of mortgages; the planters are desperate and the people discouraged, and they demand absolute free trade and authority for the island to contract a loan to pay immediate expenses and for the relief of the planters.

The local press expresses the opinion that the conditions of the island were better during the darkest days of the Spanish régime.

The Foraker bill would be acceptable without the duty, the merchants being willing to pay a revenue tax in lieu of the tariff, which would relieve the planters.

Undoubtedly, if we are going to permanently retain the Philippines, we should so declare, and should promptly make amends for the failure of the treaty to provide for their admission to statehood by solemnly declaring here that statehood will be given them when they are ready for it; and yet I do not believe that this will be done, for, so far as I have ever read or heard, there is no one in all this broad land who believes that these islands will ever become States in the Union, or who desires that they should so become. The character, the habits, the interests, and the civilization of the people inhabiting them are such that our Anglo-Saxon civilization, or, better still, our American civilization, would never consent that these people should have equal voice and equal power with us in the management of our own affairs. They are too far removed from us also for community of interest and action to ever exist between them and us. It is manifest that those who brought about their annexation had no thought or purpose of making them citizens of the United States, because, in violation of all precedents in the treaty-making history of this Government, those who negotiated the treaty did not incorporate therein any provision looking to statehood for the islands or citizenship for their inhabitants.

Gentlemen of the other side and as well those elsewhere who favor the permanent retention of the Philippine Islands are free to quote precedents, and to say that they are but following in the tracks marked out by our forefathers in the beginning of this Republic. I wish to take issue with this position. As I have already pointed out, there is no parallel in all our past history to the proposition now pending to permanently retain the Philippine Islands without any declaration of intention to ever accord them statehood. The parallel between the present case and our past history also fails in that all our past annexations have been in the main annexations of territory and not of people.

The annexation of the Louisiana territory is most frequently cited as justifying the annexation of the Philippines. I wish to call attention to the fact that at the time of the annexation of Louisiana that, aside from the constitutional questions that were raised, and to which I have already adverted, the burning question at that time was the fear that this great territory, after it became populated, would become all-powerful in the Union and would dominate the Government to the exclusion of the East. Certainly no such question exists now as to the Philippines.

Texas was objected to, among other grounds, because it was claimed that its annexation was but a scheme to extend the slaveholding territory and increase the strength of the slaveholding States. This objection might be somewhat pertinent now in the light of the treaty our Government has consummated with the Sultan of Sulu, by which treaty the United States not only agrees not to interfere with but to protect the people of the Sultan in the free exercise of their religion and customs, social and domestic, which customs include slavery, but also, as an evidence of the good faith of this Government in so agreeing, General Otis offered a present to the Sultan and datos of $10,000, Mexican money, and agreed to regularly supply sums of money thereafter in accordance with the previous agreement of Spain.

In reference to the Louisiana purchase, I would call attention to the fact that, notwithstanding the assaults that were leveled at Jefferson, that great statesman, before he ever treated with France for a cession of the Louisiana territory, transmitted to the Congress on December 15, 1802, his message calling attention to the cession of the Spanish province of Louisiana to France; and again, on January 11, 1803, he transmitted his message to the Senate nominating a minister plenipotentiary and a minister extraordinary and plenipotentiary to treat with both France and, if necessary, Spain, in reference to obtaining a cession of this territory. It thus appears that his purpose, whether held to be wise or unwise, was not concealed in his own bosom. The same was communicated to the lawmaking power, and both the lawmaking and the treaty-making power of this Government were in his full confidence in the very incipiency of the negotiations for this cession. Does that parallel exist in our negotiations for the Philippines?

I would also remind our friends on the other side that Jefferson convened the Congress in extraordinary session on October 17, 1803, after the treaty of cession was agreed upon, and in his message to Congress on that day used this American language:

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired.

He thus announced in the outset that, so far as his Administration was concerned, our newly acquired citizens were brethren; that their territory was to be incorporated into our Union, and that self-government would be continued to them. It is unnecessary for me to remind gentlemen that the treaty with France itself stipulated that Louisiana should eventually be incorporated as a State. If we are going to cite the Louisiana purchase as a precedent for annexing the Philippines, must not we, in order to justify ourselves entirely, go the length that Jefferson did and announce statehood and self-government for the Filipinos?

It may not be out of place for me to call attention to the fact that at the time of the annexation of Louisiana it was vital to the young American Republic to control the Mississippi River. Time and again the right of deposit in New Orleans had been denied them. They were confronted with the fact that this great river and the vast territory of Louisiana had been ceded by Spain to Napoleon, and that the great Emperor proposed to reorganize on a grand scale his French colonies.

The safety of the young Republic, to say nothing of its commerce, demanded that this should not be done, but that our Republic, in the interest of peace, in the interest of its perpetuity, and in the interest of its commerce, should control this river and this territory. Such was the situation then, and, reading into the future, Jefferson, with unfaltering wisdom, acted. Is there a parallel between that situation and the present? Is not the Philippine situation just the reverse of that? Then our fathers were welding together a compact territory on this continent; now we are crossing a great ocean and invading another continent. Then our fathers acted in the interest of peace and sought to promote and preserve it; now we throw peace to the winds and challenge war. Then our fathers sought to preserve that which they had; now we, to feed a thirst for glory and for greed, imperil that which we have. Then our fathers sought to bestow liberty; now we to deny it. Then our fathers sought to avoid European and eastern entanglements; now we deliberately invite them. [Applause.] Then our fathers were humble worshipers at the shrine of liberty, seeking to dedicate this country to the sacred cause of freedom; now we feel that we have become a world power and are seeking to exhibit to the world our strength and our might.

It is an interesting fact that, notwithstanding the potent arguments in favor of our obtaining Louisiana, Jefferson doubted and hesitated as to the power of this Government to annex it, and it is written that he talked of calling for a constitutional amendment that would authorize and justify that which had already been done. It was subsequently determined, however, that this was unnecessary. No such qualms of conscience as this affect the expansionist of to-day. Starting from the standpoint of what Jefferson did and ignoring what he thought, they go beyond him, beyond all the fathers and all the traditions and all the precedents, and propose to centralize here in Washington, outside the pale of the Constitution, the control of the happiness, the fortunes, the aspirations, and the government of more than 10,000,000 human souls, and they situated thousands of miles away from our farthest western shore.

As illustrating the views and the opinions of the expansionists of old, and to show the striking contrast between them and the expansionists of to-day, I beg to call attention to what President Polk said in his message of December 2, 1845, in reference to the annexation of Texas:

This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative Union.

When our President of to-day comes to write the history of the annexation of the Philippines, can he quote the language of President Polk?

President Polk further, in his inaugural address, in favoring the policy of expansion, used this significant language:

It is confidently believed that our system may be safely extended to the utmost bounds of our territorial limits, and that as it shall be extended the bonds of our Union, so far from being weakened, will become stronger.

The expansionist of to-day ridicules the idea of there being any limit to our expansion, and yet the expansionist of old, as shown in the address of President Polk, believed that there were limits to our expansion. That the farthest extent of these limits were the limits fixed by the Western Hemisphere I do not suppose anyone doubts.

President Polk is not the only statesman of old who believed that there were limits to our expansion, for we find that in the second annual message of President Monroe he said:

By extending our Government on the principles of our Constitution over the vast territory within our limits on the lakes and the Mississippi and its numerous streams new life and vigor are infused into every part of our system.

The great Daniel Webster also said:

There must be some limit to the extent of our territory, if we would make our institutions permanent.

The Monroe doctrine, so called because of its forcible presentation by President Monroe, although it had been the settled policy of this Government from its organization, is thus stated by President Monroe in his message of December 2, 1823. After referring to the struggle of the Greeks for liberty and briefly to the affairs of Spain and Portugal, he says:

The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments, and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

Is not the justice and righteousness of the Monroe doctrine based on the declared policy of this Republic not to interfere in European affairs? For a hundred years or more we did not seek to extend our system of government into the Eastern Hemisphere, and the Eastern and European countries have not extended theirs here, but have held aloof out of respect to the Monroe doctrine. It is true that now and then foreign powers have pretended to sneer at the pretensions of this doctrine, and yet none of them have dared to violate it. Upon what reason and upon what justice can we maintain it before the enlightened judgment of mankind if we deliberately remove our main justification and defense of it? If we can invade Asia, and feel justified in so doing, why can not Germany or some other country invade some portion of the Western Hemisphere not occupied by us and feel justified in so doing? If we pursue the course of planting our system of government in the Eastern Hemisphere, will not the question of maintaining ourselves there and here be simply a question of power and of might and not a question of right? Will not the equity we now have be gone, our defense be destroyed, and we left to stand solely by the strength of our good right arm, unsupported and unsustained by the righteousness and justice with which we have heretofore been armed?

There are those who talk about the annexation of Florida as a precedent for annexing the Philippines, and yet it was President Monroe, who enunciated the famous Monroe doctrine, who negotiated this treaty. At the time of that annexation the Monroe doctrine was in full force, and the annexation of Florida so far from weakening it emphasized and strengthened it. Annexation of the Philippines tends to destroy it. We all know that at the time of the annexation of Florida our country was harassed and disturbed by roving bands of savages and outlaws in the peninsula of Florida, which Spain could not or would not control. To protect ourselves, we had to control the peninsula, and in addition to this imperative fact we needed the peninsula of Florida for the national defense. We needed to control its shores, lapped as they are by the waters of the Atlantic and the Gulf of Mexico. Our treaty of cession also provided that Florida should have statehood.

Do any of the arguments or any of these conditions applicable to Florida apply to the Philippines?

President Monroe also had ideas about our General Government that the expansionist of to-day will hardly approve. He said:

The impracticability of one consolidated Government for this great and growing nation will be more apparent and will be universally admitted. Incapable of exercising local authority except for general purposes, the General Government will no longer be dreaded.

Will the expansionist of to-day admit the impracticability of a consolidated Government, when they propose to have such a Government control and govern more than 10,000,000 people? Will the expansionist of to-day admit the incapacity of the General Government to exercise local authority except for general purposes, when they propose to have the General Government exercise both general and local authority for millions of subject people?

There are other expressions from the fathers of old that accord with the position of those who oppose the permanent retention of the Philippines, but do not accord with those who favor such retention. Fillmore declared, in his first annual message:

Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses to establish for itself.

The sentiments herein expressed met the approval of every American heart when they were uttered, and I can not believe that such sentiments are not in accord with American feeling and American sentiment to-day. And yet this Government is engaged in refusing to the Filipinos the right to their own form of government, and with force of arms is engaged in suppressing the actual government which the Filipinos chose to establish for themselves. How the mighty have fallen from their high estate! When our President of to-day comes to write of the Filipinos, will he quote with approval this message of President Fillmore?

There are those who profess now to believe that the Declaration of Independence no longer exists for our guidance and control. They profess to believe that we have passed the day when we should be moved by the sentiments and the principles enunciated in that immortal Declaration. They profess to believe that it has never been a part of our Government; but that, for all practical purposes, it perished with the creation of our Constitution. Such thoughts and such sentiments have not always existed. As late as the Administration of President Taylor the Declaration of Independence was alive, as listen to his message referring to the proposal to qualify the terms of California as a State. He said:

In attempting to deny to the people of this State the right of self-government in a matter which peculiarly affects themselves will infallibly be regarded by them as an invasion of their rights, and upon the principle laid down in our own Declaration of Independence they will certainly be sustained by the great mass of the American people.

He further asserted in this message another doctrine that I assume is totally repugnant to the expansionist of to-day. He said:

To assert that they are a conquered people, and must, as a state, submit to the will of their conquerors in this regard, will meet with no cordial response among American freemen.

Is not the position of our Administration to-day in reference to the Filipinos that until they admit that they are a conquered people we will not even deign to tell them what we intend to do with them? Where in all our history is there a parallel to such a position?

A distinguished gentleman who was elected to this House to sit on this side of the Chamber, but who, as I understand him, has voluntarily elected to be known as belonging to the other side, has called our attention to the fact that Mr. Buchanan, whom he says is the last Democratic President we have had, was an expansionist and favored the purchase of Cuba. I am glad that our friend has referred us to this fact, because it furnishes the opportunity to give to the House the benefit of the views entertained by Mr. Buchanan, and I commend these views to the careful consideration of the gentleman from Pennsylvania and all his compatriots upon the other side. Mr. Buchanan said in a message:

It has been made known to the world by my predecessors that the United States have on several occasions endeavored to acquire Cuba from Spain by honorable negotiation. If this were accomplished the last relic of the African slave trade would instantly disappear. We would not, if we could, acquire Cuba in any other manner. This is due to our national character. All the territory that we have acquired since the origin of the Government has been by fair purchase from France, Spain, and Mexico, or by the free and voluntary act of the independent State of Texas in blending her destinies with our own.

In his inaugural address he said:

It is our glory that whilst other nations have extended their dominion by the sword we have never acquired any territory except by fair purchase, or, as in the case of Texas, by the voluntary determination of a brave, kindred, and independent people to blend their destinies with our own.

He also said:

Our past history forbids that we shall in the future acquire territory unless this be sanctioned by the laws of justice and honor.

How will the record of our acquisitions stand when we are through putting the Filipinos to the sword and have seized their land as our own?

Alaska is sometimes referred to as a precedent for the annexation of the Philippines, but, aside from the fact that Alaska is not contiguous territory, there is no parallel in the two cases. In the first place, Alaska at the time of annexation was unpopulated, and the annexation was of land and not of people. Even to-day the last estimated population of Alaska, as furnished in the last Annual Report of the Secretary of the Interior, shows a population, all told, of only 55,064, and this thirty-two years after annexation. Is there any parallel between this and the annexation of ten or twelve million human souls in the Philippines?

A further and more striking difference lies in the fact that it is conceded that whenever Alaska is prepared for it she will be admitted to statehood. Nobody disputes this. Congress has recognized Alaska as a part of the United States by enacting legislation for it, and Congress can not legislate for any country that is not a part of the United States, and no country can be a part of the United States and not be under the protection of its laws and Constitution. In the act of 1898 in reference to Alaska Congress distinctly recognized the right of statehood in Alaska by declaring

that this act should not be construed "as impairing in any degree the title of any State that may hereafter be erected out of said district or any part thereof to tide lands and beds of any of its navigable waters," etc.

In my opinion, however, Alaska furnishes an object lesson against the permanent retention of the Philippines and against a colonial policy. Our government of the Territory of Alaska demonstrates the inadequacy of our system to govern and care for a dependent and subject people. The theory of our Government is that there are no rulers but the people. There is no provision and no place and no power to govern except by the people. When we undertake to say that "we, the citizens," will govern "you, the subjects," we find no machinery at our disposal, and the result is misgovernment. It is worse; it is anarchy.

As an illustration of how Alaska is governed, the Secretary of the Interior, in his last annual report, says:

> Attention is called to the anomalous condition of the land laws in the district. There are no surveyed lands, nor has any system of surveying been provided, rendering it next to impossible for a poor settler to acquire a homestead. Citizens who have resided in the district for thirty-two years have as yet been unable to secure title to the lands they have occupied.

Think of it! For thirty-two years we have owned Alaska, and yet to-day no citizen of that district has been able to acquire a title to the land that he has bought, occupied, and improved. [Applause.] What greater commentary upon our incompetency to provide for a subject people could be suggested? The people must provide for themselves, or their wants and needs will never be satisfied.

But listen further. The Attorney-General, in his last annual report, says:

> The administration of affairs in Alaska, and especially the administration of justice through the courts and court officers assigned to that Territory, is not satisfactory. There has been during the past year a very great increase in the amount of legal business in Alaska. The report of the district attorney shows that the criminal business has doubled within a year, and the civil business has multiplied five times over. Complaints of the inadequacy of the provision to establish law and order are almost universal. The district judge advises me that because of a lack of time not one-tenth of the business presented can be disposed of. Officers of the Army exercising command in the Territory report that the insufficient appropriations for the Department of Justice and the lack of a sufficient force of court officials render the administration of justice along the Yukon abortive, and that the average citizen dwelling in that region has but very little respect for it.

Here we have it stated that after thirty-two years of our administration we have not provided the means to dispose of one-tenth of the business brought to our courts, that complaints of the inadequacy of our provisions to establish law and order are almost universal, and that our administration of justice—American justice, if you please, of which we boast—is such that it inspires no respect among the natives. Can we wonder that the town of Wrangell has asked to be transferred to Canada, has asked to be transplanted from underneath the sheltering folds of our glorious flag, simply because that flag as it floats in Alaska does not mean good government, good laws, and justice?

Can we wonder that this state of affairs exists when Governor Bradley, of the Territory, is quoted as saying:

> There are 60 men in charge of the government of the Territory. They have no interest in Alaska, except to grab what they can and get away. They are like a hungry lot of codfish. Seven of these officials, 11 per cent of the entire government, are now under indictment for malfeasance in office.

Is not this but a repetition of the world's history that men can not be trusted to rule an alien people in an alien land, where they have no interest to subserve save the emoluments of office?

What stronger argument can be offered against a colonial government than this statement of facts reveals? [Applause.]

As further illustrating our want of proper machinery to govern colonies, we have immediately before us the deplorable condition of affairs in Hawaii. We annexed these islands more than a year and a half ago. We have not yet given them a Territorial form of government, and in the formative period of their existence we have not provided them with any laws by which they can maintain themselves. Their legislature became extinguished with the ratification of the treaty of annexation, and now, with the bubonic plague devastating their land, carrying suffering, want, and death in its wake, there is no power to authorize the expenditure of money in providing treatment and in attempting to crush the disease. We are told by the newspapers that the President and his Cabinet have been anxiously consulting in reference to the condition of these people and have been seriously trying to devise some way for their immediate relief. It must be apparent to everyone that, in order to govern a subject people, there must be arbitrary power lodged somewhere that can act quickly. There is no place under our Constitution where such power can be lodged; and if Congress undertakes to vest it anywhere, it must do so without warrant or authority from the Constitution and without regard for the first principles of freedom, for it has been well said that "the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely trusted in human hands."

Mr. Chairman, Alaska and Hawaii are not the only instances in the history of this Republic that have demonstrated the folly and the wrong of a republic attempting to govern any people except by democratic methods. Here in this Union the Southern States have known the effect of such a government. The people of the South know what it is to be governed without their consent. They bitterly know the horror, the injustice, and the iniquity that such a government entails. They know what it is to have no voice in their affairs, to be taxed without representation, to be governed by aliens, and to have military rule supplant the civil law. I mention these things not to awaken unpleasant memories or to reopen wounds or to scar afresh old sores that burrowed deep in the flesh. The memory of these things is fast dying out, and I would not revive it, nor do my people desire that I should do so; but I mention them to emphasize the statement that as a representative of these people I will never by my vote or voice consent to put such a government upon any of God's people in any clime, beneath any sun, in any part of this earth. [Applause.]

I would not do it as a matter of sentiment for the subject people, but, above and beyond this sentiment, I would not do it for love of the American people and American institutions, because I believe that to do so would be to set a precedent that in its effect would ultimately overthrow the liberties of our own people. If there be no other way to govern the people of the Philippines except through despotic and arbitrary government, and if we are determined to govern them, then let us amend the Constitution before we undertake such a government, for I believe with Washington that—

> If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for * * * it is the customary weapon by which free governments are destroyed.

I equally abhor with Daniel Webster a military republic, and, as applicable to the present discussion, I recall his utterance of more than half a century ago, when he pronounced—

> A military republic a government founded on mock elections and supported only by the sword; as a movement, but as a retrograde and disastrous movement, from the old-fashioned monarchical systems.

And I recall that at the same time he declared:

> Above all, the military must be kept, according to the language of our Bill of Rights, in strict subordination to our civil authority. Wherever this lesson is not both learned and practiced there can be no practical freedom. Absurd, preposterous, a scoff and a satire on free forms of constitutional liberty for frames of government to be prescribed by military leaders and the right of suffrage to be exercised at the point of the sword.

Mr. Chairman, speaking for myself, I do not want the Philippine Islands either out of the Constitution or under it. I do not wish to have them as a part of this Union. In passing, however, I would say that with a declaration proposing to admit Puerto Rico ultimately into statehood I would interpose no objection to permanently retaining it, provided the people of Puerto Rico desire us to keep them. I would interpose no objection either to Cuba, under the same conditions, becoming a part of this Union. These islands are differently situated from the Philippines. They are within the legitimate sphere of our influence; they are within the Western Hemisphere, and they lie almost at our door. They may be of strategical value to us. We would violate none of our time-honored principles in annexing them. The Monroe doctrine would not be interfered with. We could defend them far easier from hostile invasion than we could defend the Philippines, and we could perhaps the better protect the Atlantic coast from the invasion of yellow fever by annexing them.

I am opposed to forcibly annexing any people, and it is inconceivable to my mind that this country, boasting of its free institutions and glorying in its past achievements for liberty, should commit itself to the attempt to force its flag over an unwilling people. [Applause.]

I am opposed to retaining the Philippines because I am opposed to a large standing army. Before the war with Spain an army of 25,000 men was as large as we needed. It was ample to meet all the needs of a free people. The war with Spain necessitated an increase in this army, and yet, although this war ended more than a year ago, the taxpayers are still supporting a great army, and all because of the Philippines. No man to-day can tell when this army will be disbanded; no man can predict when what we are pleased to call the "insurrection" in the Philippines will end, and no man can say how long it will stay ended whenever an end is reached. The history of these islands offer us but little hope that we could with safety withdraw our army, even though peace with them should be declared. The retention of these islands, it seems to me, therefore makes the retention of the army a necessity, and upon the other hand, no man will deny the proposition that with the release of the islands the army will not be necessary.

I am opposed to retaining these islands because of the expense. It is stated that the normal cost of the Government prior to the war with Spain was, in round numbers, $5 per capita, and it is now stated that this expense is $8 per capita. We thus have an increase of $3 per capita, or a total of over $200,000,000 per year,

and all because we own the Philippines and the foolish natives of the islands have disputed our title. The war taxes are still collected, although peace is declared. These taxes fall upon every home and every workshop. Their imposition has already lasted too long, and the burden they entail should be lifted instead of being permanently fastened upon our people, as the retention of these islands will necessitate.

I am opposed to retaining the Philippines because I am opposed to a one-man government in any land that flies the United States flag. I do not believe in centralizing power in the White House. I do not believe in enlarging the already too great power that is now vested there. I do not believe in a strong centralized government.

I believe that those people are governed best who are governed least, and I believe that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people." I have no faith in the theory that has been suggested that the government we would establish in the Philippines would be so clean, so pure, and so able that its image reflected back to us would make this Government more pure, more clean, and more able. Rather than this, I fear that an autocratic government there would eventually result in an autocratic government here. If self-government can be denied in any one part of the United States it can be denied in all parts. If we accustom ourselves to the use of arbitrary power in one place, it will become natural and easy to use it in all places. When we consent to a government of the Filipinos, who have become a part of the United States, at the point of the bayonet, let all patriots remember that at the same time we are increasing the number of bayonets. As we increase despotic power we must remember that at the same time we are increasing the armed force to maintain it. Is not this dangerous, desperate ground to enter upon? The part of prudence and the part of safety is to withdraw from it before it is everlastingly too late.

Learned gentlemen and able gentlemen have talked about the inherent powers of this Government. We hear it claimed that whether the Constitution provides for it or not, this Government possesses the same powers of all other great governments. Mr. Chairman, this Government has no power that the Constitution does not delegate to it; for, by the language of the Constitution, all other powers not so delegated are prohibited. If the framers of this Government had supposed that in its creation they were giving to it the despotic powers of the governments of old, would they ever have established it? They were seeking to escape from such powers. They sought here in the New World to found a new government, and, ignoring all precedents, they blazed a way of their own. They profited by the experience of past governments and eschewed the vicious elements of all those governments from theirs.

The foundation upon which they laid their structure was freedom, and upon this foundation they reared a superstructure dedicated to liberty. It is now seriously proposed after a century of experience with this Government to deliberately remove the foundation upon which it is built, and to assert that the wise fathers of old had framed a government with all the despotic powers of the Old World. The proposition, it seems to me, is monstrous. Unless our forefathers blundered in their work, and it has taken one hundred years to find it out, if true, the United States Government can not do anything that any other government can and still be the United States.

I have no patience with those who claim the hand of destiny is guiding us in the Philippine question. Those people who so claim are simply uninformed as to the facts. It was not the hand of destiny that in August, 1898, cabled to Admiral Dewey, saying:

> The President desires to receive from you any important information you may have of the Philippines, the desirability of the several islands, * * * and, in a naval or commercial sense, which would be the most advantageous.

That telegram was sent from the Navy Department by direction of the President. There is nothing of destiny in it. There is no suggestion of a derelict people drifting into our hands for whom we must provide. It is a cold-blooded business inquiry. It was not the hand of destiny but the hand of our Secretary of State that, on July 30, 1898, named as the third condition that the United States would require of Spain, in the event of a cessation of hostilities, that—

> On similar grounds the United States is entitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of the treaty of peace which shall determine the control, disposition, and government of the Philippines.

Destiny did not make itself manifest until after the cablegram to Admiral Dewey had been answered and our peace commissioners had gone to work to perfect the treaty and had received their instructions to demand the Philippines. The whole transaction was one of business, of barter and sale, without the intervention of destiny. It yet remains to be seen whether the business deal, as it was finally consummated, will be ratified by the American people.

Mr. Chairman, the United States is not the civilizer of the world. We wish that all countries had our civilization and that they all had a government like ours. The only way, however, that we can assist them to obtain that which we have is to keep ever before them an ideal government in all its pristine purity and glory. We can teach them by example and by precept, but we can not teach them by force. I can well understand how the course we have pursued so far in reference to the Philippines has created alarm among civilized people everywhere. An English writer in the London Chronicle says:

> If we express our disappointment as Englishmen that our American kinsfolk are apparently following our example, it is because in the matter of the rights of every people to govern themselves we had looked up to them as about to show us the better way by respecting the aspirations toward freedom even of less advanced races, and by acting in accordance with their own noble traditions and republican principles.

The noble and disinterested purposes for which we declared war against Spain raised the United States to the topmost pinnacle of the great and humane governments of the world. If we had but lived up to the renown we then won, or if we would live up to it now, in my humble opinion we would accomplish more for freedom, more for good government, more for humanity, and more for the United States than all our armies in a century of time can hope to accomplish.

Mr. Chairman, in all that I have said I have not discussed the Filipinos themselves. My concern has not been for them, but for us. I have had no intention, and have none now, by anything that I say to encourage them in their hopeless fight. I have no fear of doing so, because no feeble words of mine could add to the eloquent words of freedom and of liberty that line the archives of our nation from the Declaration of Independence until now, and no act of mine could stir a patriotic heart as the history of our glorious deeds, achieved in freedom's name, must already stir it. I believe that the Filipinos should submit, if for no other reason than because they can not succeed. I believe they can accomplish more by peaceful methods than by arms, and yet I trust that I will be pardoned if I say that a careful reading of all the information furnished us about them shows that, notwithstanding all statements to the contrary, they seek and crave liberty. The excellent gentlemen composing the peace commission sent by the President to the Philippines say a great many things in their report, and among these things I find this statement:

> While the people of the Philippine Islands ardently desire a full measure of rights and liberties, they do not, in the opinion of the commission, generally desire independence. * * * The Philippine Islands, even the most patriotic declare, can not at the present time stand alone. They need the tutelage and the protection of the United States, but they need it in order that in due time they may, in their opinion, become self-governing and independent, for it would be a misrepresentation of facts not to report that ultimate independence—independence after an indefinite period of American training—is the aspiration and goal of the intelligent Filipinos who to-day so strenuously oppose the suggestions of independence at the present time.

We know, Mr. Chairman, that Aguinaldo and his followers desire independence, because they have asked for it and are now fighting for it, and here we have the statement of our commission that the balance of the Filipinos also desire it. Who is promising it to them? Who is holding out any hope that at any time in the future their aspirations will be granted?

I am opposed, Mr. Chairman, to the retention of the Philippines, because I am opposed to this Government acquiring any territory in the Eastern Hemisphere. To retain these islands would mean our entrance into and participation in the ever-arising and ever-perplexing questions of the East. It would convert us from a peace-loving into a warlike nation. The Eastern world, in dealing with questions of government, recognizes only the law of might. This is made manifest in the large and ever-increasing armament of the countries of the Old World. Invading, as we would be, the territory of the Old World governments, who can say that we could maintain ourselves there and avoid entanglements or alliances with other nations? I am not yet ready to do this. I am not yet ready to reverse the declaration of our policy made by Jefferson when he said:

> Peace, commerce, and honest friendship with all nations; entangling alliances with none.

Nor am I yet ready to discard and refute the parting words and advice of the first President of this Republic when he said:

> Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

To retain these islands would mean not only a large standing army for the purpose of upholding our Government among the islanders, but it would also mean such an army for the purpose of defending them from outside interference. It would mean a great

army and a great navy, because these islands are so far removed from our shores that we could not rely upon our volunteer forces to defend them. We would have to be ever ready for war, just as all Europe is to-day.

In the research that I have made on this great question, Mr. Chairman, I have not lost sight of the materialistic argument that has been presented in favor of the permanent retention of these islands, and, while I have reached the conclusion that the view thus presented has been exaggerated and has been given more importance than the facts justify, yet I am frank to say that no consideration of commerce or of gold, and no thirst for empire ought, in my opinion, to be weighed in the balance against the Constitution and liberty and the perpetuation of our free institutions.

Some part of this Government, however, invested with power, has been pandering to whatever of cupidity there may be in our natures in the style of literature with which they have supplied us. I have received Government publications which set forth in glowing language the rich stores of gold and of silver, of coal, of iron, and of copper to be found in the Philippine Islands, and describing the great fertility of the soil, and pointing out the marvelous results that American energy and American money can achieve in these islands. When I come to read, however, that portion of this literature devoted to the facts, I find that the foreign commerce in these islands in 1894 was as much as it was ever known to be, and that in this year it amounted to only $23,558,552 of imports and $33,149,984 of exports. In the tables for other years the figures are smaller.

When we remember that if we handle this entire commerce, both exports and imports, we could only expect a legitimate profit out of it, we can realize what a pitiful return we would get for our great investment of money, leaving out of consideration entirely the precious American lives that have been sacrificed and will be sacrificed to obtain it. Why, sir, if the entire commerce, both exports and imports—not the profits, but the entire commerce—came to us as a gift, it would not pay the expenses of our Army alone, and would leave totally unprovided for the expenses of the civil government.

I find also in the budget of revenues and expenses for these islands for the year 1897 that the total income is placed at $17,474,020, and the total expenses at $17,258,145, and I notice that included in the income and assisting to make the total are, proceeds of monopolies $1,222,000, and lottery $1,000,000. Spain is charged with resorting to every expedient and every ingenuity to wring money from these people, and yet, with all this, barely enough is yielded to support the government. With our more beneficent government—and I assume that it would be more beneficent—and with our refusal to license monopolies and lotteries, how would we provide the necessary revenue to conduct our Government?

If we assume the responsibility for the destiny of these people, I suppose it would be a part of our mission to teach them the ways of civilization, to educate them, and lead them up to the higher and better walks of life. Where would the money come from with which to do it? I am told that we now expend about 30 cents per capita on our Indian wards. I do not know that the figures are correct, but suppose we only expend 10 cents per capita each year on the Filipinos, it would take, in round numbers, $1,000,000 per year for this purpose alone. It seems to me, therefore, that in reaching out for the commerce of these islands, so far from materially benefiting our people, we will entail a sore and grievous burden upon them; in my opinion, such a burden as no law of reason or of prudence or of Providence requires at our hands.

Reading further from the literature furnished us, I learn that in the year 1894 about 60 per cent of the foreign trade of these islands was carried in British vessels and only 20 per cent in Spanish vessels. I learn also that Great Britain was the largest consumer of the products of these islands and that we, the United States, consumed three times as much of these products as did Spain. It is true that the gentleman compiling these figures goes on to say that—

> With these islands in our possession, and the construction of railroads in the interior of Luzon, it is probable that an enormous extension could be given to this commerce, nearly all of which would come to the United States.

Perhaps it would, and perhaps it would not. It is a free guess for anybody. The fact, however, that is made manifest by these figures, is that in 1894, when we did not own the Philippines, they exported to us three times as much of their products as they exported to Spain and exported more to Great Britain than they did to us.

Do not these figures demonstrate that it is a fallacy that we must own a country and a people in order to trade with them? If we furnish the best market for the Filipinos, will we not buy their goods whether we own them or not? And if they furnish us the best market for our products, we will sell to them no matter what flag they fly. Indeed, Mr. Chairman, it is strange to me that at this time of all times our people or any portion of them should have conceived the idea that to extend our commerce we must extend our territory, because it has been so recent that we had our attention called to the enormous volume of our foreign commerce. The President in his annual message informs us that—

> The combined imports and exports for the year are the largest ever shown in a single year in all our history. Our exports for 1899 alone exceed by more than a billion dollars our imports and exports combined in 1870. The imports per capita are 20 per cent less than in 1870, while the exports per capita are 58 per cent more than in 1870. Exports of agricultural products were $784,776,142. Of manufactured products we exported in value $339,592,146, being larger than any previous year. It is a noteworthy fact that the only year in all our history when the products of our manufactories sold abroad exceeded those bought abroad were 1898 and 1899.

I do not think this the time for any comment upon these figures other than upon the remarkable showing they make of our growing export trade. I will leave to some other occasion to discuss the question of whether or not the decrease in our importations has been due to the advance in the height of our tariff wall, or as to whether this decrease is to the substantial interests of the consumers of the country, or as to whether the increase in our trade generally is due to natural or to artificial causes. I wish now merely to call attention to the fact that in the face of this statement, showing our enormous export trade with people who owe us no allegiance and who do not fly our flag, there are still those who say that we must, in order to increase our export trade, own colonies and govern a dependent people. Such a proposition, in the light of these figures, seems to be absurd.

There is other information, however, that we get from the literature furnished us that is interesting. We are pointed to these islands as offering a great field for development, as being a wilderness of riches, as it were, ready for the hand of America merely to reach out and take in, and yet in the column of facts we are advised that in the island of Luzon there are now 79 people to each square mile; in the island of Leyte, 71; Negros, 73; Panay, 155; Bohol, 188; and Zebu, 210; and we are also told that these six islands comprise the principal islands in all the archipelago. This literature further officially informs us that the density of population in these six islands is 50 per cent greater than it is in the States of Illinois and Indiana, and is greater than that of any of our States east of the Rocky Mountains except Massachusetts and Rhode Island.

We are told, however, that these islands will support a much larger population than they now have; that the population now is only about one-half as great as it is in France and one-third as great as it is in China and Japan. It would be useless to deny this last proposition. It may be true or it may not be true; the proposition is speculation pure and simple. If it be true, however, it must of necessity be equally true that far greater populations can be maintained in our States than now exist. It follows that if we have a surplus of energy and a surplus of capital, we can find here within our own domain riper fields to exploit, a better climate in which to live, and a more homogeneous people to dwell among. Here the hope of success is greater and the chances of failure smaller.

I can understand, Mr. Chairman, how individuals or corporations, few in number, could obtain franchises, rights, and concessions in these islands and exploit the islands to their own satisfaction and to their own profit. I can still better understand how this could be done under an arbitrary and despotic government, with the people exercising no rights and having no power to protect themselves; but I fail to see how our Government or our taxpayers can realize anything from the venture, and I can not give my consent to overturn precedents, traditions, and even our organic law itself to the end simply that a few favored monopolies and individuals may wax and grow fat at the expense of the people.

Mr. Chairman, I have said that the question I was endeavoring to discuss was not political. I still maintain that proposition, and yet gentlemen here and elsewhere have now and then felt called upon to refer to the Democratic party as the party of expansion, and to point to accessions of territory in the past under Democratic Administrations, and have felt it their duty to suggest that Democrats now who oppose the retention of the Philippine Islands are backslidden from the faith of their fathers and deserters from the traditional policy of their party. I respectfully dissent from this view. I believe, and have endeavored to demonstrate, that those who look upon this question as I do are as true to the policies and traditions and the faith of the Democratic party as any who in the days gone by have marched beneath its banner.

I would remind gentlemen who thus attempt to taunt us of the fate that uniformly befell those who in the past offered such taunts. This is not the first time taunts of this kind have been made, and yet through the changing vicissitudes of time Democratic members have been returned here by Democratic constituencies. The records disclose to me that the attitude of the Democratic party on the expansion of territory in the past was just as violently and bitterly assailed at the time as is now the attitude of its membership on the pending question, and yet time and reason vindicated and sustained its position, and overwhelmed those who opposed it, and forced them to the acknowledgment that they were wrong:

and so, Mr. Chairman, I believe that those who scoff and jeer to-day at our position will in the days to come be forced to admit their error and their wrong, just as their predecessors in the past have been compelled to do.

My hope is that their repentance will not have to be in sackcloth and in ashes at the feet of a crushed and overturned Republic. The Democratic party has stood in the past and stands to-day for expansion—expansion of territory, of commerce, and of freedom, and of all things that are good and great. Wherever under its administration this country has expanded its territory it has carried freedom, liberty, and the Constitution with it. The Democratic party has always believed that "forcible annexation was criminal aggression and not to be thought of." [Applause.] It has believed in "benevolent assimilation" in fact as well as in theory. It has never in the past stood for expansion of territory at the expense of freedom. It has never stood for the curtailment of liberty that commerce might expand. [Applause.]

It has never waged a war of conquest. It has never sought by force of arms to subject an alien people. It has never stood for empire or for colonies, and, so far as I can read the signs of the times, it stands to-day where it has ever stood—the foe of oppression, the enemy of tyranny, the friend of liberty, and the champion of progress. But, Mr. Chairman, regardless of party or party history, when temptation comes to us as a republic and cupidity and avarice arise within us, when great riches seem temptingly near and dreams of imperial splendor dazzle us, we must invoke the aid of the true American spirit and cling to the Constitution with tenacious energy as the sheet anchor of our liberties. If we do not this, we are undone, and that which we have we will have no more, and that which we receive will be but dust and bitterness. [Loud applause.]

Mr. GROSVENOR. Mr. Chairman, my purpose in addressing the House at this time is to discuss primarily the importance of the passage of the pending bill and to point out the political results that will flow from its defeat. I shall not in my oral address argue very extensively about the constitutional questions involved here, excepting to point out their origin, the purpose of the enemies of the bill at present, and the effect of the defeat of this bill in the future. I want, however, at the very outset to put some of the responsibility for the conditions in the United States where I think it justly belongs. I do not blame the Democratic party for seizing upon the condition that exists in the Philippines and attempting to make political capital out of that. I want to call their attention to the fact that the people of the United States have a pretty bright and vivid appreciation of the mode and manner in which the present issue has made its appearance.

War with Spain had occurred, and Spain was conquered. No nation of modern times was ever so completely overwhelmed as was Spain in the war with the United States. It stood in the position of absolute helplessness, and lay prostrate and begged for terms and conditions. It not only sued for peace, but made a declaration through its commission that we had the power to exact any terms that were necessary. The treaty of peace of Paris was brought to the United States as a proposition from the Spanish people and the American people through the agency of the Peace Commission. It was absolutely as legitimate for the American people to repudiate that treaty as it would be to do any other act.

The Senate of the United States acted with entire independence, acted upon its own judgment, and acted as the representatives of the American people in reviewing that great instrument. I want to put forward this idea: First, that any political party or any individual who voted or acted or persuaded, or who had anything to do with the ratification of that treaty, is estopped to condemn the results that followed it. If wrong has come to the people of the United States, the men who ratified that treaty are chargeable with that wrong. If a wrong has befallen the Republic, the men who urged the ratification of that treaty are guilty of urging wrong. Who were they? A large majority of the Republican Senators voted to ratify that treaty; but when it hung in the balance, a very distinguished colonel of a very patriotic regiment of soldiers suddenly surrendered his commission, took the fastest train he could get on, came to Washington, and begged of the Senators whom he could influence to ratify that treaty. It must not be forgotten that the Senate at that time did not have a Republican majority. The Democrats and Populists, with their allies, had full control.

Last fall, in the campaign in Nebraska, the members of a Nebraska regiment criticised the conduct of Colonel Bryan in resigning and coming home, and a good deal of jeering and laughter was going on over the State, and the lieutenant-colonel of his regiment wrote a letter which was widely published in Nebraska explaining why the Colonel resigned and came home. He said that he (the Colonel) had information that there was critical danger that the treaty with Spain would be defeated, and he fled from his regiment and came here as a patriotic duty to secure a vote or two in favor of ratification. And he secured one or more. One Senator, at least, who was opposed to ratification when he came, voted for the ratification and made it the supreme law of this land. And now his followers everywhere are coming before the people of the country and saying that it is a condition into which the country has been thrown by the act of the Republican party.

At that time it was legitimate. At that time it was good politics and good patriotism to have shut out the Philippines and all this horde that these last two hours of the speech of the gentleman from Georgia has been aimed at. Everybody knows that it was at that time a question of fair and just deliberation, and yet to-day if you were to select the one man of all other men on the continent of America who is, above all others, responsible for the condition that we are in in regard to the Philippines and Puerto Rico, it would be William J. Bryan, of Nebraska. Everybody knows that. Did he do it to get his country into trouble, that his followers on the floor might charge it to the Republican party and make political capital for him; did he? If so, it was an unpatriotic thing that he did. Did he do it because he thought it was the best thing for the country? If he did, it was a patriotic thing, and I honor him for it, but his followers must not undertake to charge the responsibility alone where the responsibility does not belong.

Now, gentlemen, what have we here? Let us talk now about this bill and the propriety and necessity for its passage. Certain obligations and duties have been assumed by the people of the United States by the ratification of that treaty and by the subsequent action under it. One of the duties is to protect and build up and aid in the education of the people of Puerto Rico. It must be done in some way, and we have a great deal of information on that subject. It is an island dependency of the United States; it is our property within the meaning of the Constitution. We are charged with the responsibility that we are charged with in any other dependency. We owe the same duty that we owed to South Carolina and Charleston when the earthquake destroyed it. We owe the same duty that we owed to the prairie countries when fire swept over them. We owe the same duty that we have discharged so often to the flood-wasted people on the Mississippi and its tributaries. We all agree, I take it, that something must be done for these people. We have already expended in their behalf something like $750,000, and more is demanded.

The evidence that comes to the Committee on Ways and Means shows that actual money contributions or provisions must be made by this country, and right away, to save these people from hunger and starvation and poverty and to put them in the way of going ahead and doing something. They must have money. Where shall it come from? That question was submitted to the Ways and Means Committee.

Now, it is said by a very able gentleman that it was the duty of the Ways and Means Committee to have consulted the members of the House of Representatives before this bill was brought in; and, ergo, that gentleman is opposed to the bill because there are no marks of his paternity upon it. Well, that is a new doctrine; it is the first time I ever heard of it; it is the first time it has ever been suggested in the House of Representatives that it was the duty of a committee charged with a particular branch of duty that appertains to all of us——

Mr. SHATTUC. Can I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. SHATTUC. Who was that gentleman? [Laughter.]

Mr. GROSVENOR (continuing). Should consult members of the House before they report.

Mr. SHATTUC. The gentleman said I might put him a question.

Mr. GROSVENOR. Yes; but I did not say I would answer it. [Laughter.] Here come these great appropriation bills, appropriating hundreds of millions of dollars, and no man has ever consulted me about one of them until the committee launched it into the House in furtherance of its duty. Was there ever a proposition so erroneous as that? It is the duty of the Ways and Means Committee to take charge of the bill when introduced and work out their views upon it, and then bring it into the House.

Now, that brings me to another point, and I want to speak plainly upon that. There seems to be a great deal of sensitiveness on the Democratic side of this House lest somehow or other we should not explicitly execute the suggestion of the President, which he made in his December message, and the President finds a great many strong friends here that he never had before. [Laughter on the Republican side.] It is very wonderful how sensitive many of them have become. I remember the time when the whole policy of the Administration hung upon the balance upon a mighty question in the Fifty-fifth Congress, and I did not observe my distinguished colleague from Ohio as fierce in behalf of the President's policy. On the contrary, it was said that he held secret conclaves with men who were trying to overthrow the policy of the President. But he has learned a good deal since that

time, and now finds there is no wisdom in the world except in following the beaten path that the President suggested. I am glad that he has reached the firm ground he has.

Mr. SHATTUC. May I ask my colleague to state who is the gentleman he refers to?

Mr. HOPKINS. Not the gentleman from Ohio [Mr. SHATTUC]. You exonerate him.

Mr. GROSVENOR. I exonerate my colleague [Mr. SHATTUC]; and I know he needs the assurance. [Laughter.]

Now, let us see what the exact question is, and let us see whether there is any controversy between the Ways and Means Committee and the President. The President is controlled in his relations to Congress by the Constitution; and Congress in its relations to the President is controlled by the Constitution. It is absolutely proper that the President should give his opinion to Congress; and it is absolutely proper that Congress should execute its own duty in behalf of any one of these questions. And Congress should give great weight to the opinions of the President and in all possible ways stand by him.

Why, Mr. Chairman, the very first duty of Congress is to raise revenue for the support of the Government; and the President is not charged with that duty. The President is charged with the duty of signing or vetoing the bills which Congress may pass, but Congress originates these measures, and it is the sworn and sole duty of Congress to do what they think is right, always hoping to cooperate with the President.

Now, the President makes his suggestion—free trade between Puerto Rico and the United States. How many questions have arisen; how many uncertainties have thrust themselves upon us since last November? How much of information has come to the House since the declaration of the President? Well, I will tell you, summed up, what has come. First, that Puerto Rico must have money or destruction; second, that that money must come from extraneous taxation, or ruin will sweep over that island.

Talk about internal-revenue taxation. The gentleman from Ohio talks about that, and then proceeds to discuss by intimation the subject of freer beer while he favors free tobacco and cigars to compete with his own constituents engaged in cigar making. I commit him to the cigar manufacturers and laborers of his district, and may they have mercy on his soul before they get through with him. [Laughter.] He will find out that there are two sides to this question, and that the Ways and Means Committee have tried to go right along the beaten path of what seems to be duty, and believe we shall have the approval of the President.

Now I start out with the proposition I have laid down, that Puerto Rico must have this money or there must be a condition that we can not tolerate. Their property is in such a condition that it can not pay taxes. Does anybody doubt that? All the evidence which we have here goes to show, first, that internal taxation is an impossibility, and, second, that internal taxation, if possible, would be destructive of every industry those people have.

The Ways and Means Committee reached that conclusion. The distinguished chairman of the committee introduced a bill upon the other proposition. Such a bill was also presented in the Senate. Members of the Senate have changed their opinion on this subject under the guiding hand of the information which we have. All the Republican members of the Ways and Means Committee save only one have changed their views under the guiding suggestions of this information.

A MEMBER (on the Republican side). Not all the committee; nearly all.

Mr. GROSVENOR. Well, that is a question I am not going to define. My friend will not be able to drive me into such an analysis.

Now, then, what have we got? Where have we landed? Does anybody dispute the facts? Does anybody dispute the fact that this money must be raised from some source and sent into that island? We are already sending money there. I am told that $700,000 has already been contributed by the United States. More must go. We state to you, standing here in the light of the evidence, that internal-revenue taxation would be absolutely destructive of every industry that the Puerto Rican people hope to raise any money on for the next two years. Let somebody, if he can, tell us a better way than we have devised. There is but one other way—take the money by appropriation out of the Treasury of the United States and hand it over for the benefit of that island. We have a right to do it. Then would not our Democratic brethren on the other side be happy? Those faces that from 1896 down to the present time have been indicative of the passage of a funeral procession of one of our best friends would certainly blaze forth with joy.

I hear them saying, "You have got a colonial possession, have you? You have got an island out there that is a colony, and that island has to be supported out of the Treasury of the United States?" In such a contingency you would not have to put any Republicans over there on the "Cherokee Strip" in the next House of Representatives. I will undertake to say that they could all sit right here on that side [pointing to one corner of the Hall]. Would it not be glorious? And, my friends, this is one of the entering wedges; this is one of the first steps. If the Democrats can drive you to bolt your party organization, destroy this system that we propose to operate under in this bill, and drive the President to ask us to appropriate money in the way just suggested, then they will have achieved one of the most glorious victories in this generation.

Do you wonder that they are active? Do you wonder that they are insidious? Do you wonder that when they get hold of a dissatisfied Republican they tell him, "Oh, what a splendid fellow you are?" Do you wonder that they take some of our great orators who are disposed to be dissatisfied and tell them, "I never knew before there was such oratory in all the Eastern country. Oh, wonder of wonders, what a man you are!" [Laughter.] Do you wonder that they are fighting their battle of 1900 on this floor to-day?

Mr. PIERCE of Tennessee. And we shall win it, too.

Mr. GROSVENOR. Let him who taketh off his armor boast. You have boasted so much, my friend, that it has become a kind of machine operation with you. [Laughter.]

Now, then, let us see. The proposition of our friends on the other side is, first, to abandon Puerto Rico to desolation and famine, and bring your country into disgrace; or you must furnish money and must furnish it in one of two ways—by tariff taxation under this bill or some similar measure, or you must put your hands into the public Treasury and pay out this money. And there is no answer to that proposition. You can not devise a scheme to raise the money otherwise. So we must adopt a plan which will meet the conditions which confront us. We are told that here is the same old system of indirect taxation. We are told that it will impose undue hardships upon these people, and vary somewhat from the ordinary or original idea of the Republican party in explanation of tariff duties. But, Mr. Chairman, gentlemen forget. This is but 25 per cent of the present American tariff relations with other countries—25 per cent only. The very lowest possible rate has been adopted which in the judgment of the committee, under the facts presented, would be sufficient to supply the necessary money for the purposes of the government of the island of Puerto Rico.

Now, can we better that? What principle of the Republican party are you going to negative by voting for the passage of this bill? Additional duties, says my friend from Ohio—not the gentleman who recently addressed me—extra duties, as though the United States could not legislate. Having first said that he was entirely in accord with the gentleman from New York [Mr. RAY] as to the law of the case, he then raised the question that the gentleman from New York had twice answered, that nevertheless this was an export duty. There is no export duty about it. What better can you do than this? Are you right there, my friends, who are protecting the President of the United States? I am glad somebody on this floor is willing to excuse me but for a day or two, at least. [Laughter and applause.] I am delighted that for a period of at least a week, during the time that this debate will run, I am to have an opinion of my own on a question of policy and politics. Are you quite sure that the President understands all of these facts as we understand them now?

Mr. CARMACK. What is your understanding of them?

Mr. GROSVENOR. Ordinarily I would have been in favor of free trade but for the necessities of the case which I have mentioned. I confess, my friends, acting now in my individual capacity, absolutely standing on my own merits [laughter], I want a direct question of this character to be met and settled by the highest tribunal in the United States, and that would doubtless be binding on the consciences of the Democratic party, at least for a year or two.

Mr. RICHARDSON. Will the gentleman allow an interruption?

Mr. GROSVENOR. Certainly.

Mr. RICHARDSON. I understood the gentleman to express something a few moments ago indicating a doubt as to whether the President of the United States understood the exact situation when he sent his message to Congress——

Mr. GROSVENOR. Oh, no; nothing of the kind.

Mr. RICHARDSON (continuing). I take it that he had the same opportunity of acquiring information that we had, and that his understanding of the question was then as full and complete as our own.

Mr. GROSVENOR. Undoubtedly.

Mr. RICHARDSON. Then he has not changed his mind since Congress met, when it received his message in December last?

Mr. GROSVENOR. I am not the mouthpiece of the President of the United States this week. [Laughter and applause.]

Mr. Chairman, I think I know the President of the United States well, and will venture to make a statement with reference to his opinions, if you will listen to me. I think if the conditions were such as the President of the United States understood them to be

in November last, he would prefer a free-trade bill. I think that, understanding all the considerations involved here now, nothing would give the President greater sorrow and regret than the defeat of this bill and the turning over the control of this House to the Democratic minority. [Applause on the Republican side.] But I will venture—only in my individual capacity—to suggest to any gentleman who does not credit what I have said, to go to the President of the United States and ask him the direct question.

Conditions are very different to-day, and there are conditions binding upon us to-day that were never dreamed of by any of us last December. Mark the activity of the Democrats in this contest.

Mr. WILLIAMS of Mississippi. Then why does he not send in another message?

Mr. SWANSON. Will the gentleman allow an interruption just there?

Mr. GROSVENOR. Certainly.

Mr. SWANSON. Will the gentleman state what are the changed conditions of affairs in Puerto Rico that makes this remarkable change in the policy of the Administration necessary?

Mr. GROSVENOR. The gentleman is a member of the Committee on Ways and Means, which is honored by his membership, and the evidence exhibited to the gentleman in that committee must give absolute proof in support of the facts that governmental aid is necessary in that island to save the people from starvation, suffering, and ruin. That is one fact.

Mr. SWANSON. One other inquiry, if the gentleman will permit me. Is it not a fact that certain Puerto Ricans appeared before the Committee on Ways and Means and the Insular Committee and informed the committees that they would be perfectly willing for an extension of the internal-revenue tax on the island, and that, in their judgment, it would raise a million and a half dollars from rum, and if that was not enough, that they were willing to submit to a tax on property there such as is imposed in various parts of our own country?

Mr. GROSVENOR. There were some men there representing the great sugar interest and the tobacco interest who talked that way. [Applause and laughter on the Republican side.] Now, that is all——

Mr. SWANSON. Now, if the gentleman will permit me further——

Mr. GROSVENOR. The gentleman had unlimited time in which to make his own speech.

Mr. SWANSON. No; I did not. Will the gentleman permit me to ask him one more question?

Mr. GROSVENOR. If you will not accompany it——

Mr. SWANSON. I would like to have you tell me who are the people in Puerto Rico who are behind this provision that this Ways and Means Committee have brought in here?

Mr. GROSVENOR. Everybody except a few tobacco and sugar raisers.

Mr. SWANSON. Everybody in Puerto Rico is engaged in raising sugar or tobacco or coffee, either as a farmer or laborer——

Mr. GROSVENOR. My friend, when he gets on his feet, gets excited. The products of Puerto Rico——

Mr. SWANSON. I regret that I do get excited at injustice, and am sorry that I can not be as cold and callous as the gentleman from Ohio when I am perpetrating a wrong upon a people who claim to be a part of this country, that we claim to be. [Applause on the Democratic side.]

Mr. GROSVENOR. Well, now, the gentleman has occupied my time in making another speech. I was satisfied with his speech that he made the other day. He does not seem to be satisfied with it. [Laughter on the Republican side.] I thought when I heard it that as likely as not he would want to come in with an appendix to those remarks. [Laughter on the Republican side.]

Why, there are 60,000 tons of sugar raised in Puerto Rico, and a trifle of tobacco more inconsiderable than that, and there are a million people there. The sugar business is not very profitable in Puerto Rico if it takes all those people to raise that much sugar and that much tobacco. My friend will see that that warm heart of his, that is rushing in to stop an outrage from being perpetrated, has carried him off his feet in the statement that all the people down there are engaged in sugar and tobacco raising.

Mr. SWANSON. And coffee, I said.

Mr. GROSVENOR. Well, we are not putting any duty on coffee. We are putting a small duty of 25 per cent—and I want to go on now and make a statement about that. All things considered, all the taxation taken into account, we are putting less than one-fourth of the tax upon them that they were laboring under when we came to them. Now, what do you think of that, gentlemen? Here is a proposition to lift this dark cloud of poverty and distress off these people, and to lift 75 per cent of the taxation under which they were laboring when we went down there, and we ask them to contribute by this indirect method, we contributing our share of it, and they contributing what little they can of it, and all of it to go to them until such time as Congress sees fit to turn them over to their own devices for raising money.

Now, that is this measure. That is the whole of this measure in itself.

Now, I am not going into the books. I want to point out where this controversy arose and what this controversy is.

It took John C. Calhoun from 1826, passing down along the period of 1832, when Jackson threatened to hang him, up to the time when he said that at the end of thirty-five years he had at last worked the people of this country up to the position that he occupied, to bring about the result that you are seeking to resurrect here in this contest.

Mr. Chairman, I desire to go back for a moment to the point where I was discussing, of the benefit that would flow to the people of Puerto Rico upon the change of their condition under this bill, as compared with their condition under the Spanish domination. The gentleman from Connecticut [Mr. HILL] has furnished me with some figures here, which are vouched for not only by himself but by another gentleman, which show that under the Spanish domination, when this sugar was profitable, too, as we learned from the witnesses before the committee, the total tax in all forms upon 100 pounds of sugar was $2.94. Now, get that into your minds, $2.94. Yet they sent their sugar into the markets, mostly to the markets of Spain. Now, our proposed duty here will be 40 cents per 100 pounds, or a benefit to the people of Puerto Rico of $2.54 on the 100 pounds.

The Spanish Government taxed their coffee $5.70 per hundred pounds. That drove their coffee, of course, out of the United States, out of Spain, and they sold it under the Cuban tariff, but the tariff was $5.70 per hundred pounds. We propose free coffee, and all the other system of taxation bears as favorable a comparison as that.

Now, I want to go back to another question. If you are right on the other side of this House, and if the gentleman who has submitted this minority report on the Republican side of the House is right about it, this whole legislation is just so much waste paper. What is the use of passing a free-trade law for Puerto Rico if the Constitution and the laws of the country go and locate themselves down there by reason of our acquisition of this territory?

I do not care who introduces a bill of that kind, under your understanding. If the Constitution and revenue laws of the United States go of their own force and envelop the people of Puerto Rico, they have the right to send their cargoes to the city of New York without any taxation. Do they not? They have sent them there, and they have been taxed the whole amount of the American tariff. They have gone into the court and litigated it, and the ablest man, perhaps, of all the Southern States, as a lawyer, Judge Summerville, has just delivered a very able opinion, holding absolutely that they are taxable for the full rate of our duties under our tariff law; and putting it upon the ground that they were foreign nations to all intents and purposes for the purpose of the revenue laws until Congress shall legislate upon them. So that if that decision is right, or the other corollary of it is right, then all this subject is just simply idle talk, and the thing to have done would have been to defeat the bill entirely and give to the Puerto Ricans free trade.

Now, then, this leads me to say, supposing the President, when he wrote his message, never dreamed of such a thing as that the greatest question that has been in this country since the Dred Scott decision would attach itself onto this little bill to relieve the distress of the Puerto Rican people, might he not then have considered the matter from a different standpoint from the one that he did look at it from? He did not know that our enemies would seize upon this opportunity to force us to define the future policy of the country as to all the new possessions.

Now let us go back. Mr. Calhoun said that it took him thirty-five years to educate the people of the South up to this doctrine that every one who has spoken on that side seems to be fluently advised about. What was the purpose, my friends—you who talk about voting in favor of this dogma?

Let us see for a few moments what is its history, and why did Mr. Calhoun seek to push it to the front and boast at last that he had forced it upon the Southern people. It was long ago begun, away back of 1860, when the power of Congress was located in the North and when no legislation that directly extended slavery into any Territories could ever be passed by the American Congress. This dogma of the traveling of the Constitution out into the Territories and the enfranchisement of people of those Territories in their rights of property and citizenship was born in the mind of John C. Calhoun, and the man who first detected the growth of it, who saw the little cloud, no bigger than a man's hand, that ultimately precipitated this country into the horrors of war, the man who first detected the dangerous growth of that dogma, was Daniel Webster, of Massachusetts; and I have lived

to see—I have lived to pass through the period when Massachusetts was a firm believer in what Webster said on that great question of law, when the Garrisons, when the Wendell Phillipses, the Sumners, the Wilsons, and, in later years, the Hoars and the Lodges and all the great catalogue and category of political saints and patriots stood shoulder to shoulder in that warfare with Webster, who struck at this infamy when it first showed its head above the waves of the political sea; and I have lived to see the time when a Massachusetts Representative, from the city of Cambridge, from the very shadow of Harvard College, can be found to-day to negative the position that was taken by every Republican in the United States in 1860 and has never wavered from that day until some time in this Congress. [Loud applause on the Republican side.]

Mr. MOODY of Massachusetts. Mr. Chairman, let me call the attention of the gentleman from Ohio to the fact that the authorities and professors of Harvard Law School are upon our side of this question. [Renewed applause.]

Mr. GROSVENOR. I said nothing against the professors of Harvard.

Mr. MOODY of Massachusetts. I only say that in addition to what the gentleman has said.

Mr. LITTLEFIELD. Is Professor Langdell?

Mr. MOODY of Massachusetts. Professor Langdell and Professor Thayer, lecturer on constitutional law.

Mr. GROSVENOR. They all of them have finally returned to their loyalty, if there was any lack of it before. Now, I will give the opinion of one who is more decidedly a leader at the time of this discussion before the people of this country than any man who will speak upon this question here.

The whole question which came up in 1856 was an offshoot of that doctrine. It culminated ultimately in the platforms of the three parties in 1860. The same doctrine you are arguing for here now to-day, the identical doctrine, my friends, was the work that Calhoun said he had worked for thirty-five years to indoctrinate you with, but in 1860 the issue was made up in a very few words.

The ambiguous language of the Democratic platform of that day was distinctly in favor of the doctrine that we have heard argued here to-day so strongly, that the rights of property, the rights of the citizen, the operation of the Constitution, the principles of the Declaration of Independence, all went into the Territories by mere force of law, without any enactment of Congress. And here was the keynote upon which the Republican party of 1860 met this issue. It took its teaching from Webster and Benton and the men whose voice I shall reproduce in my speech hereafter.

The Republican party of 1860 put it then this way—and it has just as much effect to-day upon the question of the Philippines and the question of Puerto Rico as it had in those days, and by a much stronger reasoning, because this discussion had grown up out of the Territory of Nebraska and Kansas, which had come to us clothed to a certain extent with the rights of citizenship enacted in the organic legislation out of which they had come—

The new dogma that the Constitution of its own force carried slavery into any or all of the Territories of the United States is a vicious political heresy, at variance with the explicit provisions of that instrument itself with contemporaneous expansion and with legislative and judicial precedents, and is revolutionary in tendency and subversive of the peace and harmony of the country.

That was the Republican platform of 1860. Now, my friends, in that platform was the issue, and the men of the South said that if that was triumphant there would be war and revolution. I did not believe it. I did not comprehend how it was possible that revolution could come out of an assertion of a political principle like that; but it did come. Lincoln was elected; and that was the only issue of any importance between the two great parties. I should like to have some gentleman tell me to-day how it is, if that was the true keynote of the politics of 1860 in reference to slavery, which was property under the Constitution, which was a right under the Constitution, which came, as the gentleman from Arkansas said the other day, out of the Bill of Rights, which was, as he said, the most sacred part of the Constitution, I should like to know now, if that was good law in 1860, how some Republicans here can vote to-day that we have not the power to legislate upon this question in that territory that we have derived without the slightest limitation from a foreign country.

The gentleman who preceded me argued that Spain had not any title. Neither had France any title to the territory of the Louisiana purchase that would have stood in a court of arbitration. So, my friends, if the statutes of limitation do not quiet the title, and you go into that sort of question, you will unsettle the whole business so far as the fourteen States are concerned.

Now, that was the issue, that was the question, and we fought it out on a great many battlefields. I do not say an irritating word to the people of the South; I want you to understand that. You acquiesced in the dogma, the political dogma, that the Constitution and the law conferred no right of property upon any person in the Territory and that the Territorial government alone could do that. But Douglas split off from the Democratic party. He was unwilling to commit himself to the other side, and practically said, inasmuch as there is a dispute about this, we will leave it to the people of the Territory, and he got the invention of "squatter sovereignty" for the first time into our history.

Mr. GROW. When the State government was formed.

Mr. GROSVENOR. Yes. There came another trouble acting upon that doctrine. It is claimed that slaves were run into the Territory out there, hoping that it might prevail, and then came considerable bloodshed and a practical revolution, and the whole of it was settled by the introduction of the Republican party into power in the country, and from that day to this we have never had such a question in American politics as that the Government could not own property anywhere that was not enveloped by the Constitution and the laws.

Mr. NOONAN. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes, to a question.

Mr. NOONAN. If that is true, why were the amendments to the Constitution adopted, the fourteenth and fifteenth amendments?

Mr. GROSVENOR. That has nothing to do with this question at all. The thirteenth amendment destroyed slavery. The question I am trying to make the gentleman from Illinois understand is the question whether the property rights were conferred by the Constitution upon the slaveholder in the Territory. That is what I am trying to get at. The fifteenth amendment gave the people the right of franchise. Now, then, what have we here? There has been precipitated upon us the island and this condition of things there in the matter of citizens, people, tribes. And our Democratic friends are manifesting a good deal of purpose to come after us in the approaching campaign with certain conclusions which they say follow legally and necessarily upon what has been done already.

Why, Mr. Chairman, I can sit down now and write a Democratic stump speech of 1900. I can not write as well as my friend from Missouri [Mr. CLARK] could write it when the time comes; but I can beat some of those whom I shall hear during that period of time. [Laughter.] I will tell you what they will be saying. And now, my Republican friends, I want you to hear a few sections of this speech. They will be saying—and you need not try to get out of it by talking about 25 per cent duty on sugar; that is too small a matter—I will tell you what you will hear. "Why, these bloody Republicans annexed 10,000,000 Malays." I am not at liberty to repeat my friend's speech made in Baltimore the other night, or I would give a beautiful extract.

Mr. CLARK of Missouri. I wish you would repeat it.

Mr. GROSVENOR. They will tell you all about the monstrosities of those people in religion and habits and everything of that kind, and then they will say, "The House of Representatives voted that those people were citizens and entitled to all the rights of citizens." And then they will pick out those men to do this thing, and will say, "Why, look at that fellow. He helped us to get into this fix." You will not be able to get out on the score of the tax on beer. That will not hold water. [Laughter.] That vote is going to be a vote upon this dogma as directly as a vote was ever cast upon a legal proposition.

Our friends on the other side, who are managing this great debate and have done it with so much skill and ability—what have they said about the right or wrong of a little question of 25 per cent duty? Not a word. They are simply paving the way to come before the people at the polls and say to them, "Congress has decided that all these men are entitled to citizenship." And we shall have a settled proposition in this country that hereafter, no matter where, no matter what stress of weather or anything else may be, if one of our naval ships goes ashore with its crew and captain, and captures an island and as a matter of warning to the rest of mankind hoists the American flag, and some half-naked, poor, miserable wretch comes lumbering down to the coast with his hair sticking up and his eyes sticking out, the gentleman from Massachusetts and the gentleman from Georgia will be there to shower the Declaration of Independence and the Fourth of July and the habeas corpus and the right of trial by jury and God knows what all on the poor, miserable, helpless creature. [Laughter.]

I tell you, my friends, you have got to be a little careful as you travel round the world hereafter. You will carry with you awful possibilities. Citizenship in a great Republic, whether you want it or not! And you must not go ashore on any newly discovered islands; you must not assert any dominion there unless you go prepared with Washington's Farewell Address and the Fourth of July and Decoration Day, etc., and give them to the natives. What an awful proposition that is! The Constitution of the United States was made just exactly as Thomas Jefferson said it was made. It gave the people of the United States the powers expressed in the Constitution. Mr. Jefferson himself approved of a bill that practically struck the name of the King of France out of the law governing the Territory of Louisiana and put the name of Thomas Jefferson there, and absolutely denied both

affirmatively and negatively all the rights of American citizenship to the people down there.

And from that day to this there has never been one doubting proposition on that subject. It is true that in the case of the District of Columbia some authorities have been shown apparently to the contrary; but it is equally true that they were based on the same proposition underlying the whole matter—that the District of Columbia was built out of two of the States that joined in the original organization of the Government, helped to make the Constitution, and thereby endowed the people of this District with the rights of citizenship under the Constitution. And the Supreme Court said they could not be stripped of their power by the reorganization of the District of Columbia.

Mr. CARMACK. Did the court put the decision on that ground?

Mr. GROSVENOR. At one time, yes. I have seen an authority to that effect, which I will quote, if I can find it, in which the decision is put absolutely on that ground. And so it has been all through. To-day, following the suggestion of the gentleman from Iowa, I came upon a little section of the treaty with Mexico, which I would like to read. Here it is. Now let us see what our country, what our people understood of this question in 1847 and 1848. In the ninth article of the treaty with Mexico there are some significant points to which I desire to call your attention.

We had good lawyers then, and the Government had entered into the treaty of Guadalupe Hidalgo, a most carefully prepared treaty, a treaty with a country which had been prostrated by our arms, a country seeking our mercy, just as was the case with Spain, and the whole question of citizenship was involved in the controversy that was then presented; the whole question of the laws and the operation of the Constitution was involved, and in one section of the treaty, which I will not read, the terms were stipulated upon which the Mexicans might emigrate out of the territory we so acquired by this conquest and by this treaty. It was decided that they should hold the right of property; that they should have time enough to emigrate, and they should not be put to annoying or vexatious conditions, and then as to those who remained in the territories so acquired here is the provision:

> The Mexicans who in the territories aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States—

That is, simply by remaining there they were to be incorporated into the Federal Union. What else?—

> and be admitted at the proper time, to be judged of by the Congress of the United States, to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.

Observe that language:

> Shall be admitted at the proper time, to be judged of by the Congress of the United States, to the enjoyment of all the rights of citizenship according to the principles of the Constitution.

Now, there was a direct recognition of the precise doctrine we are standing on, and it never changed until a doubting Thomas in the United States, until Mr. Calhoun's unfortunate teachings of the people of the South drove them into hostility to the construction of the Constitution which their fathers had always adhered to. That was the Mexican treaty. And so in every other treaty we find practically the same thing, and that article which I have read fixed the right of the people in that Territory until Congress acted upon the questions presented. And so the same provision is found in every other treaty.

Let me call your patient attention to the treaty by which we acquired title to property—territory—including Alaska. This, like all of the other treaties, had a stipulation in substance that in legal effect was a precedent and was the established precedent until the people, and that we took them absolutely without the slightest treaty with Spain; and then if you read the discussions that took place under that treaty that made the treaty operative you will find that our commissoners utterly refused to fix the status of these limitation on the powers of Congress to legislate. That was actuated only by the comprehensive influences of the Declaration of Independence, and the Constitution, and our Christian civilization, and our purpose to do the right thing for these unfortunate people.

The CHAIRMAN (Mr. LACEY in the chair). The time of the gentleman has expired.

Mr. HOPKINS. I ask unanimous consent that the gentleman from Ohio be permitted to conclude his remarks.

Mr. GROSVENOR. I do not desire more than five or ten minutes longer.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. GROSVENOR. I shall not take undue advantage of the indulgence of the House.

I will not go into the authorities, Mr. Chairman, to support this argument along this line, but will place them, at as early a date as possible, in the RECORD. Here, now, we come to the parting of the ways. The question submitted on this bill is this question, this lawful, this constitutional question, this question which is not only paramount, but a question which is to be an epoch in the political history of the United States, just as important as was the contest in 1860 to 1865. This is the question for our consideration and action.

It is all here, and the people are looking at it in that way. I do not believe there is anyone in the United States who is worrying about the President getting only 75 per cent of what he suggested as the right thing to do, and I know the President is not worrying one particle. You had better save your sympathy for him for some other time. He is too great a man, he is too good a man, he is a man with too much knowledge of practical politics to understand that his fame, his leadership, his greatness are to be affected by the question of whether a man pays $1.60 on a hundred pounds of sugar or only 40 cents or nothing. Just think of it. Just think how petty it is, how contemptible it is, in the light of the great thing that we have got here under discussion.

So, Mr. Chairman, we will try to get out of this trouble that our Democratic friends have got us into.

I wish I could describe the dawning upon the mind of the leader of the Democracy upon this floor of the importance and grandeur of this question. I wish I could portray in words how he looked when the bill was suggested to him, and nothing but the mere practical question of 25 per cent or free trade was suggested to him; and then when the light began to break in on him and he thought he saw the dawning of a day of victory for the Democratic party, how, tall as he is, he got 2 or 3 inches taller, and handsome as he is, he got gloriously handsome as he reflected upon it. [Laughter.]

The Republican party is charged with the duty of taking care of the Filipinos. I am delighted at the condition of my Democratic friends on the other side. They are talking about liberty as though they had always been in favor of it, and I guess most of these fellows here have been. They talked about it as if it was one of the earliest doctrines of the Democratic party, and one day, not long ago, one of their ablest men made a speech over there, the gentleman from Indiana [Mr. MIERS], that carried me off my feet, for its beautiful eulogy and declaration in favor of liberty and equality of rights to all men, paving the way for a Fourth of July oration on the subject of the Filipinos, with their flat lips and their distorted feet. [Laughter.]

Mr. MIERS of Indiana. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. Yes.

Mr. MIERS of Indiana. Was not that quite as patriotic for me as it was for you to lay aside the Constitution and put aside the declaration that we usually give to the memory of Washington on this 22d of February?

Mr. GROSVENOR. I want the gentleman to understand that his speech was absolutely beautiful, Constitution or no Constitution, Fourth of July or no Fourth of July, Washington's Birthday, or whatever it is. I think Washington will not be disgraced by my speech here to-day. [Laughter.] If there is any danger of it, I am very sure that the speech made by the gentleman from Georgia [Mr. BRANTLEY] will save the reputation of George, anyhow. [Laughter.]

Now, I wanted to come to the next man. That was a glorious speech in favor of equality and liberty from a Democrat. Right on the same day there came a speech of an hour, able, eloquent, not very convincing, from the gentleman from Alabama [Mr. UNDERWOOD], in favor of repealing the fifteenth amendment and turning loose all the poor negroes in this country without any votes. [Laughter.] And they both belong to the same church and worship the same fetich in that church. That shows where we are coming to.

But we have got the Philippines on our hands, and I will tell you what we shall tell the people of this country, my friends, if you will listen to me now. I will give you an extract from a Republican speech.

We will say to the people of this country, We have acquired the title to the Philippines and Puerto Rico. We did not go after them, but they came to us, and we could not help ourselves. There was a gentleman went out into the Orient, with a little more power than he had authority, and the first thing we knew he had captured the Lord only knows how many islands out there. We have never yet found out ourselves. But he took them, and we are there, and our flag is there, and we were aided in getting a perfect title to them from the Democratic Senators in Congress without any protest from anybody.

We have got them and the duty is upon us, and we are going to take care of them. We are going to make all the money out of the transaction we can by enlarging our trade with the oriental

countries, and we are going to embalm the doctrines of the Declaration of Independence upon the statute books of the Philippines just as quick as we think the time has come to do it, and we are not going to do it one minute before if all the Democrats on God's earth go howling that we have got to do it now. [Applause and laughter on the Republican side.] We are going to do it under the persuasive influence of the Constitution, of the Declaration of Independence, of our Christian civilization. We are going to do it as rapidly as it is possible to do it, and in the meantime we propose that every attribute of the Constitution shall persuade us to treat these men with absolute fairness. I will tell you what we are going to say. The gentleman from Georgia said that the President ought to have said something.

Mr. COCHRAN of Missouri rose.

Mr. GROSVENOR. I was just about to strike a very eloquent theme. [Laughter.]

Mr. COCHRAN of Missouri. The gentleman from Ohio is always eloquent. I was going to ask him if there was anything in the peculiar condition of the people of Puerto Rico at this time, want of education or what not, which prevents us giving them the right of equal taxation under the Constitution.

Mr. GROSVENOR. Yes; there is. If we give them equal rights of taxation under the Constitution, they can not pay their taxes, and they would starve to death.

Mr. NEVILLE rose.

Mr. GROSVENOR. Now, I was going to reach the end of my speech if you gentlemen would let me. [Laughter.] I want to finish it up with the gentleman from Missouri.

Mr. COCHRAN of Missouri. If the gentleman will permit me, does he mean to say that if this law is not given them there will be no taxation, no internal-revenue laws enforced?

Mr. GROSVENOR. Unless we pass the law.

Mr. COCHRAN of Missouri. Or any other law?

Mr. GROSVENOR. Or any other law. We can pass a law just exactly like we please.

Mr. COCHRAN of Missouri. Are they not subject to all taxes, to pay internal-revenue taxes?

Mr. GROSVENOR. No.

Mr. COCHRAN of Missouri. Will they not be after the passage of this bill?

Mr. GROSVENOR. No.

Mr. COCHRAN of Missouri. Will not the revenue laws be in force?

Mr. GROSVENOR. Whatever tax we impose will be for their benefit.

Mr. COCHRAN of Missouri. Do you say that there are no requirements for any internal-revenue tax at all?

Mr. GROSVENOR. You have the bill.

Mr. COCHRAN of Missouri. After the passage of this bill?

Mr. GROSVENOR. No.

Mr. COCHRAN of Missouri. Then you will leave them without a single scrap of American law for those islands.

Mr. GROSVENOR. You have spoiled the object of my whole speech. [Great laughter.]

Mr. COCHRAN of Missouri. That would be entirely impossible.

Mr. GROSVENOR. I will just say this to you in all kindness: If what you are now attempting to say has not been put into any of the speeches that you have made during the last six weeks, you may write it out in the form of a question and give it to me, and I will put it in the body of my speech. [Great laughter.]

Mr. COCHRAN of Missouri. I will make you a counter proposition and ask you to depart from your usual custom in the treatment of this and any other great controversy and make a plain answer to the question I have asked.

Mr. NEVILLE. Now, will the gentleman permit me a question?

Mr. GROSVENOR. I want to say that the bill speaks for itself, and the gentleman from Missouri can read it.

Mr. NEVILLE. What I want to ask is this: Is the Republican party going to embalm the Philippines until they can embalm the Constitution? [Jeers on the Republican side.]

Mr. STEELE. Let us preserve that question. [Laughter.]

Mr. GROSVENOR. I will make answer to that. I think that the Democratic party, about the time they get through with the Philippines, will need embalming in the early days of next November much worse than the Philippines. [Laughter.]

But there is another subject, another phase of this situation, that I wish to call your attention to. If we adopt the contention on the other side of this House, we strip the country, in large part, of its war power; we place it at a disadvantage of the most serious character, and I submit that a settlement of the legal question here involved would have simply that effect and none other.

Let us see. The capture of foreign territory makes it eligible for retention in the Union and under our domination solely, and only affects with making States and Territories any pupilage under the Constitution of the United States.

There is no power of disposition, but a simple power of acquisition for limited purposes, and instantly, upon the cession by treaty or the capture by act of war, the Constitution, it is said, covers that territory and the people become absolutely of the United States and entitled to all their rights and privileges.

The United States have the power to make war and to do everything which may be proper and allowable within the laws of war among civilized nations to conquer and subdue their enemy. This power is not only by virtue of the Constitution, but by reason of the right of self-defense, which inheres in every nation as it does in every individual. One of the things that we may do under this power is to seize the territory of our enemy for the purpose of subduing him. Another thing that we may do is to exact compensation from a conquered enemy even to the extent of receiving territory under a treaty of peace, for territory, as in the case of the Spaniards, may be all that the enemy may have to give. This is what we have done in the case of the Philippines. We have taken them by way of indemnity—the $20,000,000 being paid merely in the form of boot.

None of the foregoing can be or has been denied, but it is said that when we do, under this war power, take territory, we must recognize and deal with it as a part of the United States or sell it. If this contention be correct, then we have not the full and unqualified power which belongs to all nations, to make war and do all things proper in connection therewith. For if it be sound, then before seizing the territory of an enemy, although it might be the only means of conquering, or before accepting the territory of an enemy, under the treaty of peace, by way of indemnity, although it might be the only indemity to be had, we would have to pause and determine whether we could afford, in view of the interests and welfare of the United States, to seize the territory or accept it by way of indemnity. If we decided that we could not afford to do so, then we must not seize it or take it by way of indemnity, although to keep our hands off would deprive us on the one hand of a ready means of conquering the enemy and on the other of securing indemnity. It will be seen at once that such a proposition imposes a limitation upon our war-making power which can not be tolerated.

But it is said that this dilemma could be solved by selling the territory. Non constat, but that we could not sell it, as the nations might not permit any one of them to buy it, and then, too, that would involve making chattels of the inhabitants of the territory in a purely commercial sense. So it will be seen that, however the proposition may be viewed, it places a limitation upon our war-making power which does not apply to any other nation on earth. None of the cases cited involved the decision of the question now presented directly and squarely. In none of them was it intimated that our war-making power was subject to any such limitation. In none of them was any law of Congress, dealing with such territory in a different manner from other territory of the United States, declared void upon the ground that its inhabitants were citizens and entitled to the equal protection of the Constitution.

I want to read, in reply to the statement of the gentleman from Georgia, who said that if the President would only say, even now, something that would encourage the belief among the Filipinos that they were going to have fair treatment and consideration, the war would stop now. Well, in my judgment, the war has stopped already. If the gentleman is any ways in touch or knows anybody who is in touch with the "Second George Washington" of the Philippines, where on God's earth is he now? [Laughter.] I consider the war all over. That I think is a sufficient answer to a question that does not amount to anything. But let us see what the President did say more than a year ago, and then I am through.

Mr. BRANTLEY. That was not my statement. I said that the President had made a proclamation, but Congress had made no declaration. I was talking about Congress and not about the President.

Mr. GROSVENOR. Congress is going along doing business. There is a bill pending in the Senate with reference to that subject, and the Committee on Insular Affairs is no doubt attending to business, although they have not consulted me about what they are doing. [Laughter.]

But let us see what the President has said. The President has made this declaration. In speaking in Boston a year ago he said:

> No imperial design lurks in the American mind. That would be alien to American sentiment, thought, and purpose. Our priceless principles undergo no change under a tropical sun. If we can benefit these people, who will object? If in years they are established in government under law and liberty, who will regret our perils and sacrifices; who will not rejoice in our heroism and humanity? I have no light or knowledge not common to my countrymen.
>
> I do not prophesy. The present is all-absorbing to me, but I can not bound my vision by the blood-stained trenches around Manila, where every red drop, whether from the veins of an American soldier or a misguided Filipino,

is anguish to my heart, but by the broad range of future years, when the group of islands, under the impulse of the year just passed, shall have become the gems and glories of these tropical seas, a land of plenty and of increasing possibilities, a people redeemed from savage indolence and habits, devoted to the arts of peace, in touch with the commerce and trade of all nations, enjoying the blessings of freedom, of civil and religious liberty, of education and of homes, and whose children and children's children shall, for ages hence, bless the American Republic because it emancipated and redeemed their fatherland and set them in the pathway of the world's civilization.

And that—

The treaty now commits the free and unfranchised Filipinos to the guiding hand and liberalizing influence, the generous sympathies, the uplifting education, not of their American masters, but of their American emancipators.

[Loud applause on the Republican side.]

Mr. Chairman, I desire now to avail myself of the right given to extend my remarks to place here an appendix to contain certain authorities bearing upon the legal aspects of these questions.

I have made free use of a pamphlet recently compiled and written by Mr. Charles E. Magoon, of the War Department. The work is an invaluable contribution to the legal literature of the contest here pending. The labor and the zeal manifested by the author is evidence of his great industry and valuable research, and the pamphlet will be a text-book of authority. I have also used some portions of the most able report of Senator FORAKER, chairman of the Puerto Rico Committee of the Senate. From that report I copy.

APPENDIX.

The questions that gave the committee most concern were, first, as to whether or not the Constitution should be extended to Puerto Rico; and, in the second place, what provision should be made with respect to tariff duties and internal-revenue taxes.

With respect to the first of these questions, an examination of the various acts of Congress establishing Territorial governments, commencing with the act of April 7, 1798, establishing a Territorial government for Mississippi, shows that Congress did not extend the Constitution of the United States to the Territories in any case prior to the act of September 9, 1850, by which a Territorial government was established for New Mexico.

In the act of April 7, 1798, establishing a Territorial government for Mississippi, the provision was simply that the people of Mississippi should be entitled to enjoy all and singular the rights, privileges, and advantages granted to the people of the territory of the United States northwest of the river Ohio in and by the ordinance of 1787 in as full and ample manner as the same were possessed or enjoyed by the people of the said last-mentioned territory, excluding the last article of the ordinance, which prohibited slavery.

By the act of May 7, 1800, establishing a government for the Territory of Indiana, the same provision was repeated in substantially the same language.

By the act of October 31, 1803, it was simply provided that for the government of Louisiana, until Congress should act, all military, civil, and judicial powers should be vested in such person and persons and be exercised in such manner as the President of the United States should direct "for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion."

By the acts of March 26, 1804, March 2, 1805, and March 3, 1805, establishing and relating to government in the Territory of Orleans and district of Louisiana, certain laws of the United States, which were specifically mentioned, were put into operation in the Territory and district.

There was no extension of the Constitution of the United States or of the laws of the United States locally applicable in any of these cases, and, in the case of Louisiana, there was no participation in the local government allowed to the people of the Territory. All the officials, including the legislative authority, as well as the governor and the judges, were appointed by the President.

In the act of January 11, 1805, establishing a government for the Territory of Michigan, it was provided that the government should be similar to that provided by the ordinance of 1787, but there was no extension to the Territory of the Constitution of the United States or the laws of the United States locally applicable.

In the act of February 3, 1809, establishing a Territorial government for Illinois, the same provision was repeated in substantially the same language, except that as to the organization of a general assembly for said Territory, so much of the ordinance as related thereto should not go into effect until satisfactory evidence should be given to the governor that such was the wish of a majority of the freeholders of the Territory.

By the act of June 4, 1812, establishing a Territorial government for Missouri, the legislative authority was appointed and the Constitution of the United States and the laws of the United States locally applicable were not extended or made to apply, but in lieu thereof most of the provisions of the Constitution relating to personal rights, privileges, and immunities were specifically enacted as a part of the statute creating Territorial government.

By the act of March 3, 1817, establishing a Territorial government for Alabama, the Constitution and laws of the United States were not made applicable, but only such laws of the Territory of Mississippi, of which Alabama had been a part, should be continued in force as were locally applicable.

By the act of March 2, 1819, establishing a Territorial government for Arkansas, the legislative authority was vested in the governor and certain judges—who were appointed—and the act providing for the government of the Territory of Missouri and certain laws of that Territory were made applicable, but the Constitution and laws of the United States locally applicable were not extended or applied.

By the act approved March 3, 1819, authorizing the President of the United States to take possession of East and West Florida, and establishing a Territorial government therein, it was provided, as in the act authorizing the President to take possession of Louisiana, that all military, civil, and judicial powers should be vested in such person and persons, and should be exercised in such manner as the President of the United States should direct, etc.

By the act of March 30, 1822, establishing a government for the Territory of Florida, the legislative power was vested in the governor and a council appointed by the President, and certain privileges, immunities, and guaranties in the Constitution were incorporated into the statute; but the Constitution of the United States and the laws thereof, locally applicable, were not extended to the Territory.

By the act of April 30, 1836, establishing a government for the Territory of Wisconsin, the Constitution of the United States was not extended to the Territory, but it was provided in the following language, used for the first time in this legislation for Territories, that—

"The laws of the United States are hereby extended over and shall be in force in said Territory, so far as the same or any provisions thereof may be applicable."

By the act of June 12, 1838, establishing a government for the Territory of Iowa, the Constitution of the United States was not extended to the Territory, but it was provided in section 12 as follows:

"That the inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin and to its inhabitants, and the existing laws of the Territory of Wisconsin shall be extended over said Territory so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed by the governor and legislative assembly of said Territory of Iowa; and, further, the laws of the United States are hereby extended over and shall be in force in said Territory, so far as the same or any provisions thereof may be applicable."

By the act of August 14, 1848, establishing a government for the Territory of Oregon, it was provided in section 14 that the inhabitants of said Territory should be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the United States.

In other words, the Constitution and laws of the United States do not, ex proprio vigore, extend to territory acquired by the United States, but only by Congressional action. And so long as Congress may see fit to withhold the operation of the Constitution from a Territory it is not bound, in legislating for that Territory, except by its positive prohibitions. It is not bound, for instance, to require trial by jury in criminal cases (Twitchell *vs.* Commonwealth, 7 Wallace, 326), nor in civil suits at common law where the value in controversy shall exceed $20 (Walker *vs.* Sawnnet, 92 U. S., 90), nor to establish the common law in substitution for the civil law where that is already in force, nor is it bound by its requirements as to the levying of taxes, duties, customs, and imposts. With respect to all these matters Congress is empowered to act as in its discretion may seem best. We undertand all these propositions to be settled by authority as well as upon reason.

1. THE SOVEREIGNTY OF THE UNITED STATES IS FULL AND COMPLETE.

The Federal Government is the exclusive representative and embodiment of the entire sovereignty of the nation in its united character. (In re Neagle, 135 U. S., 84; dissenting opinion of Justice Lamar.)

2. THE POWER TO ACQUIRE, HOLD, AND GOVERN TERRITORY IS UNQUALIFIED.

The Constitution confers on the Government of the Union the power of making war and of making treaties; and it seems, consequently, to possess the power of acquiring territory either by conquest or treaty. (Story on Constitution, sec. 1287.)

The power to acquire territory * * * is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent governments. (Mormon Church case, 136 U. S., 42.)

As the General Government possesses the right to acquire territory, either by conquest or treaty, it would seem to follow as an inevitable consequence that it possesses the power to govern it. (Story on Constitution, section 1324.)

Chief Justice Marshall said, in Serè *vs.* Pitot (6 Cranch, 336):

"The power of governing and of legislating for a Territory is the inevitable consequence of the right to acquire and hold territory; * * * hence we find Congress possessing and exercising the absolute and unqualified power of governing and legislating for the Territory of Orleans."

Mr. Justice Bradley said, in Mormon Church case (136 U. S., 42):

"It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired."

Mr. Justice Matthews said, in Murphy *vs.* Ramsey (114 U. S., 44):

"That question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final judgment. The people of the United States, as sovereign owners of the National Territories, have supreme power over them and their inhabitants."

Article IV, section 3, of the Constitution provides that—

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

This clause was drafted by Gouverneur Morris. Fifteen years after the adoption of the Constitution, in answer to a question as to the precise meaning of this clause, he wrote:

"I always thought, when we should acquire Canada and Louisiana, it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion." (3 Morr. Wr., page 192.)

Regarding this clause in the Constitution the Supreme Court says (14 Peters, 537):

"The term territory, as here used, is merely descriptive of one kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation; and has been considered the foundation upon which the Territorial governments rest." (United States *vs.* Gratiot et al., 14 Pet., 524, 537.)

The decisions of the courts uniformly sustain the doctrine that by this provision of the Constitution Congress is given the power to govern those portions of the public domain lying outside of the boundaries of the several States of the Union, in the manner and by the means which to Congress seems best adapted to existing conditions, ranging from a joint protectorate, such as is exercised over Samoa, to a Territorial government of well-nigh sovereign power, such as exists in Oklahoma.

Returning to Article I, section 8, we find that Congress is thereby empowered—

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

The Constitution specifically vests in the Government of the United States the authority to engage in war. If it is conceded that when engaged in war the United States is bound by the law of nations regulating civilized warfare, it follows that its first and paramount duty is to compel a peace, and for this purpose it may wrest from its adversary all and every means of continuing the warfare. This includes not only guns and ships, but public revenues and other property, the allegiance and support of subjects, territory, dominion, and sovereignty. Having wrested any or all these from its adversary and reduced them to its own possession, the laws of nations, the interests of civilization, and the dictates of humanity all impose duties and obligations in regard thereto upon the Government of the United States. By what means the duties and obligations so arising from the acquisition of the islands under consideration are to be discharged, and the general principles governing the use of said means, has already been discussed herein.

That the sovereignty of the United States would attach to territory without its territorial boundaries, that jurisdiction over such territory would be attained thereby, and that Congress would be required to legislate therefor,

is plainly recognized and asserted in the thirteenth amendment to the Constitution, as follows:

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

[Extracts from Mr. Magoon's book.]

FIRST STATEMENT.

1. Have the territorial boundaries of the United States been extended to embrace the islands of the Philippine Archipelago, the island of Guam, and the island of Puerto Rico?

2. Are said islands and their inhabitants bound and benefited, privileged and conditioned by the provisions of the Constitution of the United States?

3. Has the Congress of the United States jurisdiction to legislate for said islands and their inhabitants.

4. Must such legislation conform to the constitutional requirements regarding territory within the boundaries of the United States and citizens domiciled therein?

Territory does not expand by the advance of armies; nor does it retire before an invading foe. (Fleming *vs.* Page, 9 Howard, U. S., 603; United States *vs.* Rice, 4 Wheaton, U. S., 246.)

FORMER DECISIONS.

In Thompson *vs.* Utah (170 U. S., 343, 346) the court, speaking by Mr. Justice Harlan, say:

"That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question." (Webster *vs.* Reid, 11 How., 460; American Publishing Company *vs.* Fisher, 166 U. S., 464, 468; Springville *vs.* Thomas, 166 U. S., 707.)

In view of the provisions of section 1891, Revised Statutes of the United States, and the special acts of Congress, hereinbefore referred to, whereby the Constitution and laws of the United States not locally inapplicable are extended to the Territories, the declaration quoted is incontestable.

The case of Webster *vs.* Reid (11 How., 437, 460), decided in 1850, arose in the Territory of Iowa. The court, speaking by Mr. Justice McLean, say (page 460):

"The organic law of the Territory of Iowa, by express provision and by reference, extended the laws of the United States, including the ordinance of 1787, over the Territory, so far as they are applicable."

The act of the Territorial legislature involved in Webster *vs.* Reid prohibited trial by jury in matters of fact involved in cases of a certain character. For the reason set forth in the above quotation, the court held, as to the act of the Territorial legislature that—

"In this respect the act is void" (page 460).

Reynolds *vs.* United States (98 U. S., 145) was a criminal action arising in Utah Territory. In that case the court say (page 154):

"By the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury."

This case was decided in 1878. The act to establish a Territorial government for Utah September 9, 1850, chapter 51, section 17, 9 Stat., 458, provided "that the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah so far as the same or any provision thereof may be applicable."

A subsequent statute made specific provision for trials by jury in the Territories. (Act of April 7, 1874, chapter 80, 18 Stat., 27.) Section 1 of said act closes with this proviso:

"*Provided*, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law."

The case of American Publishing Company *vs.* Fisher (166 U. S., 464), decided in 1896, was a common-law action originating in the Territory of Utah. The court held that litigants in common-law actions in the courts of that Territory had a right to trial by jury.

Mr. Justice Brewer, in delivering the opinion of the court, says (page 466):

"Whether the seventh amendment to the Constitution of the United States, which provides that 'in suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved,' operates ex proprio vigore to invalidate this statute may be a matter of dispute."

SOVEREIGNTY OF UNITED STATES.

The decisions of the Supreme Court of the United States regarding the acquisition and government of new territory by the United States established two propositions beyond controversy:

1. The United States as a sovereign nation may acquire and govern new territory.

2. The government of territory acquired and held by the United States belongs primarily to Congress, and secondarily to such agencies as Congress may establish for that purpose.

As to these two propositions, the Supreme Court of the United States say:

"These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them. They are self-evident." (Mormon Church *vs.* United States, 136 U. S., 43.)

It is, however, necessary to examine the character and extent of the power of Congress in the matter of such government and legislation. In 1810 the Supreme Court of the United States said:

"The power of governing and legislating for territory is the inevitable consequence of the right to acquire and to hold territory. Could this position be contested, the Constitution of the United States declares that 'Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.'

"Accordingly we find Congress possessing and exercising the absolute and undisputed power of governing and legislating for the Territory of Orleans. Congress has given them a legislature, an executive, and a judiciary, with such powers as it has been their will to assign to those departments." (Sere *vs.* Pitot, 6 Cranch, 332, 336, 337.)

In United States *vs.* Gratiot et al. (14 Pet., 526, 537) the court say:

"The Constitution of the United States (Article IV, section 3) provides 'that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' The term 'territory,' as here used, is merely descriptive of one kind of property, and is equivalent to the word 'lands.' And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation, and has been considered the foundation upon which the Territorial governments rest. In the case of McCulloch *vs.* The State of Maryland (4 Wheat., 422) the Chief Justice, in giving the opinion of the court, speaking of this article, and the powers of Congress growing out of it, applies it to Territorial governments, and says all admit their constitutionality. And, again, in the case of the American Insurance Company *vs.* Canter (1 Peters, 542), in speaking of the cession of Florida under the treaty with Spain, he says that Florida, until she shall become a State, continues to be a Territory of the United States Government, by that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property of the United States. If such are the powers of Congress over the lands belonging to the United States, the words 'dispose of' can not receive the construction contended for at the bar. * * * The disposal must be left to the discretion of Congress."

In Gibson *vs.* Choteau (13 Wall., 92, 99) the court say:

"With respect to the public domain, the Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations."

FLEMING VS. PAGE—TAMPICO CASE.

It is true, that when Tampico had been captured and the State of Tamaulipas subjugated, other nations were bound to regard the country, while our possessions continued, as the territory of the United States, and to respect it as such; for, by the laws and usages of nations, conquest is a valid title while the victor maintains the exclusive possession of the conquered country. * * * As regarded by all other nations, it was a part of the United States, and belonged to them as exclusively as the territory included in our established boundaries; but yet it was not a part of the Union, for every nation which acquires territory by treaty or conquest holds it according to its own institutions and laws; and the relation in which the port of Tampico stood to the United States while it was occupied by our arms did not depend upon the law of nations, but upon our own Constitution and acts of Congress. (Fleming *vs.* Page, 9 How., 603, 615.)

Such was the situation as regarded Puerto Rico, the Philippines, and Guam when the Peace Commission assembled in 1898. One requirement made by the American commission was that Spain should assume toward the islands mentioned the same position as was occupied by the other nations of the earth, which is that the territory belongs to the United States, "but yet it was not part of this Union," or "included in our established boundaries," since these were matters which depend upon "our Constitution and the acts of Congress."

At the time of the peace conference at Paris in 1898 all the rights of Spain in the islands mentioned had not been obliterated. The sovereignty of Spain therein had been displaced and suspended, but not destroyed. Theoretically, Spain retained the right of sovereignty, but the United States was in possession and exercising actual sovereignty. The rights of the United States were those of a belligerent and arose from possession, and were dependent upon the ability to maintain that possession. Under the doctrine of postliminy the sovereignty and rights of Spain would become superior to those of the United States, if by any means Spain again came into possession of one or all of said islands. The American commission therefore required, as a condition precedent to a peace, that Spain surrender this right of repossession.

As regarded Cuba, the situation was and remains different. The military forces of the United States had not captured Habana, the capital of the Spanish colony of Cuba, and only a relatively small portion of that island was subject to military occupation by our forces. In addition, the United States before invading Cuba had disclaimed any intention of acquiring any sovereign rights in said island. Therefore the occupation of Cuba in whole or in part by the military forces of the United States, while it imposed duties, did not confer rights upon our Government. It follows that at the time of the peace conference in 1898 the title of Spain to Cuba had not been divested by our military occupation. It was therefore necessary to require Spain to relinquish title in Cuba. This was done by the following provision in the treaty:

"ART. 1. Spain relinquishes all claim of sovereignty over and title to Cuba."

But in the provisions of the treaty regarding the islands in which the United States had secured and was asserting rights of its own the language is different and the reference to title is omitted. To quote the exact words of the treaty:

"ART. 2. Spain cedes to the United States the island of Puerto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam, in the Marianas or Ladrones.

"ART. 3. Spain cedes to the United States the archipelago known as the Philippine Islands and comprehending the islands lying within the following line."

The cession provided for by these articles is referred to five times in subsequent articles of the treaty as follows:

"ART. 9. * * * the territory over which Spain by the present treaty relinquishes or cedes her sovereignty. * * *

"ART. 10. The inhabitants over which Spain relinquishes or cedes her sovereignty shall be, etc.

"ART. 11. The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be, etc.

"ART. 12. Judicial proceedings pending * * * in the territories over which Spain relinquishes or cedes her sovereignty shall be, etc.

"ART. 14. Spain will have the power to establish consular officers in the ports and places of the territories the sovereignty over which has been either relinquished or ceded by the present treaty."

It therefore seems that the word "cede," as used in this treaty, is to be given the meaning ascribed to it by ordinary usage, to wit, "To yield or surrender; to give up; to resign." (Webster's Dictionary.)

Consideration must also be given to the fact that nowhere in this treaty is mention or reference made of the territorial boundaries of the United States, either present or prospective; and to make "assurance doubly sure," the treaty provides:

"ART. 9. * * * The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

EFFECT OF CONQUEST.

In regard to this rule Halleck's International Law says (volume 2, section 7, page 475, third ed.):

"The transfer of territory establishes its inhabitants in such a position toward the new sovereignty that they may elect to become, or not to become, its subjects. Their obligations to the former government are canceled, and they may, or may not, become the subjects of the new government, according to their own choice. If they remain in the territory after this transfer, they are deemed to have elected to become its subjects, and thus have consented to the transfer of their allegiance to the new sovereignty. If they leave, sine animo revertendi, they are deemed to have elected to continue aliens to the new sovereignty. The status of the inhabitants of the conquered and transferred territory is thus determined by their own acts. This rule is the most just, reasonable, and convenient which could be adopted. It is reasonable on the part of the conqueror, who is entitled to know who become his subjects and who prefer to continue aliens; it is very convenient for those who wish to become the subjects of the new State and is not unjust toward those who determine not to become its subjects. According to this rule, domicile, as understood and defined in public law, determines the question of transfer of allegiance, or, rather, is the rule of evidence by which that question is to be decided."

Turning to the treaty of peace with Spain (1898), we find that Article IX provides as follows:

"Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory, they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

THE TREATIES.

The treaty for the cession of Louisiana contained the following stipulations (8 U. S. Stats., 200-202):

"The first Consul of the French Republic, desiring to give to the United States a strong proof of his friendship, doth hereby cede to the United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances. * * *

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess." (Articles I and III, treaty with France, 1803.)

The treaty of amity, settlement, and limits between the United States and Spain (1819), whereby was confirmed the title of the United States to the expanse of country known as East and West Florida, contains the following stipulations (8 U. S. Stat., pages 254 and 256):

"ART. 2. His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, known by the name of East and West Florida. * * *

"ART. 6. The inhabitants of the territories which his Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States."

In the treaty of 1848, whereby Mexico relinquished the expanse of country known as Upper California and New Mexico, resort was had to the simple plan of designating the northern boundary of the Mexican Republic. The reason for this was that the United States took the position that, having taken and occupied the capital of the Mexican Republic, its title was perfected by complete conquest, not only of Upper California and New Mexico, but of the entire Republic, and the question to be determined was how much should be restored by the United States, not how much should be ceded by Mexico. Being vanquished, Mexico was obliged to assent to the proposition, and hence the adoption of the plan followed. The treaty contained the following stipulation (9 U. S. Stat., 930):

"ART. 9. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution."

The treaty with Mexico (1853), whereby the United States acquired the territory known as the "Gadsden Purchase," was, primarily, a stipulation as to boundary. Article 1 provided as follows (10 U. S. Stats., 1032):

"The Mexican Republic agrees to designate the following as her true limits with the United States for the future."

Then follows an exact description of the location of the boundary line and how the same shall be surveyed and marked. Said article continues:

"The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations and in accordance with the constitution of each country, respectively."

The treaty with Russia (1867) whereby the United States acquired title to Alaska, contains the following stipulation (15 U. S. Stat., 539, 541, 542):

"ARTICLE 1. His Majesty the Emperor of all the Russias agrees to cede to the United States * * * all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit:

"ART. 2. In the cession of territory and dominion made by the preceding article are included the rights of property of all public lots, * * * which are not private individual property.

"ART. 3. The inhabitants of the ceded territory * * * shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." * * *

What was accomplished by Article I of the treaty ceding Alaska, upon the treaty being ratified and exchanged, is stated by Dawson, J., as follows (29 Fed. Rep., 205):

"Upon the ratification by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, and an exchange of those ratifications, * * * the title of the soil in Alaska vested in the United States." (United States *vs.* Nelson, 29 Fed. Rep., 202, 205.)

The expression "the title of the soil" as here used means the right of the sovereign or of jus publicum, not the right of a proprietor or of jus privatum.

The extension of the boundaries of the United States to include the Hawaiian Islands was accomplished by diplomatic negotiations, consummated by the passage by the Senate and House of Representatives and approval by the President of a joint resolution reciting (30 U. S. Stat., 750)—

"That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof."

DISTINCTIONS IN TREATIES.

By the recent treaty with Spain sovereignty is ceded to the United States over Puerto Rico and the Philippine Islands with this provision:

"The civil and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

Cuba, over which Spain relinquishes sovereignty and title, the treaty leaves without any declaration in regard to the status of her inhabitants or the rights of Congress further than to say that upon its evacuation by Spain the island is to be occupied by the United States, and while such occupation shall continue the United States "will assume and discharge the obligations that may, under international law, result from the fact of its occupation, for the protection of life and property."

I do not propose in this connection to discuss what the relations of the United States to these islands are, further than to observe that the ceding power has imposed no conditions nor reserved any rights defined and secured by the Constitution to the inhabitants of those islands. This distinguishes this treaty from all others hitherto made by the United States by which she has acquired territory occupied by inhabitants. The treaty of 1803, for the cession of Louisiana, provides in Article III that—

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

The treaty of 1819, by which Florida was ceded to the United States, in Article VII has a provision of similar legal import. So have the treaties by which New Mexico, Utah, California, etc., were acquired in 1848 and 1853, contained in Articles VIII and IX of the treaty of 1848 and brought forward into the treaty of 1853 by Article V. The treaty of 1867, by which Alaska was acquired, has no provision for the incorporation of the Territory into the Union as a State or States. It divides the inhabitants into two classes. It provides that they may return to Russia within three years, and of those who do not return says:

"But if they should prefer to remain in the ceded territory, they, with the exception of the uncivilized native tribes, shall be admitted to the enjoyments of all the rights, advantages, and immunities of citizens of the United States and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes shall be subject to such regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country."

It is thus manifest that in every treaty by which the United States has acquired inhabited territory prior to the late treaty with Spain the ceding power has inserted a provision that the inhabitants, except uncivilized tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and all, except that by which Alaska was acquired, contain the further provision that they shall in due time, to be determined by Congress, be admitted as a State or States into the Union.

SUPREME COURT DECISIONS.

It will be important to keep the provisions of these treaties in mind, especially when we examine the decisions of the Supreme Court in regard to the constitutional rights of the inhabitants of these territories. In his opinion in The American and Oceanic Insurance Cos. *vs.* 356 Bales of Cotton, Canter, claimant, Chief Justice Marshall quotes the sixth article of the treaty ceding Florida, which reads:

"The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated into the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States. It is unnecessary to inquire whether this is not their condition independent of stipulation. They do not, however, participate in political power; they do not share in government till Florida becomes a State." (1 Peters, 542.)

The Northwest Territory and other territories ceded by separate States to the United States, when under the Articles of Confederation or the Constitution, were ceded under a pledge from Congress in regard to their use and rights. Chief Justice Taney says in his opinion in the Dred Scott case:

"By resolution passed October 10, 1780, Congress pledged itself that, if the lands were ceded as recommended, they should be disposed of for the common benefit of the United States, to be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty and freedom and independence as the other States."

This pledge acted upon is of equal force as the provision of a treaty, especially under the ordinance of 1787.

These treaties and this resolution include all the territories of the United States, except that of Oregon, which came by discovery and occupation—in regard to which I know of no decision of the United States Supreme Court on the question under consideration—and except that acquired by the annexation of Texas and Hawaii, until we come to the recent treaty with Spain.

THE SCOPE OF THE TREATY-MAKING POWER.

By Article VI of the Constitution:

"All treaties made under the authority of the United States are made the supreme law of the land."

Of the treaty-making power the Supreme Court, in Geofrey *vs.* Riggs (133 U. S., 258), speaking by Mr. Justice Field, says:

"The treaty power as expressed in the Constitution is in terms unlimited except by those restraints found in that instrument against the action of the Government, or of its departments, and those arising from the nature of the Government itself and that of the States; it would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government, or in that of the States, or the cession of any portion of the latter without its consent. (Fort Leavenworth R. R. Co. *vs.* Lowe, 114 U. S., 525, 541). But with these exceptions, it is not perceived that there is any limit to the questions which can be adjudged touching any matter which is properly the subject of negotiation with a foreign country. (Ware *vs.* Hylton, 3 U. S., 199; Chirac *vs.* Chirac, 15 U. S., 2 Wheaton, 259; Hauenstine *vs.* Sanborn, 100 U. S., 483; Droit d' Aubaine, 3 Ops. Atty. Gen., 417; People *vs.* Gerke, 5 Col. 381).

It will not be claimed that the provisions of these treaties giving the inhabitants of the Territories the rights, privileges, and immunities of citizens of the United States lie without the scope of the treaty-making power. It is a generally admitted proposition that the ceding power may properly require such a provision in its treaty granting its sovereignty over a territory, and that the power accepting the grant becomes solemnly bound thereby.

THE ORIGIN OF THIS WHOLE DOGMA—DRED SCOTT.

It is true that in expressing his views on the Dred Scott case Chief Justice Taney announced the doctrine that the United States could acquire territory for no other purpose than to convert into States of the Union, and that all territory acquired by the United States was charged with a trust requiring ultimate admission as a State. The language used by Chief Justice Taney is as follows (Dred Scott *vs.* Sanford, 19 Howard, 393-446, 447):

"There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way, except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character. * * *

"We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion."

The doctrine thus announced by Chief Justice Taney, that the United States could acquire territory only for the purpose of creating States, was accepted by the court as then constituted. Whether the language quoted is mere dictum, as is often asserted, or was the vital point in that case, as is now contended, is not essential in this investigation for the following reason: That doctrine rests upon the proposition that the authority of the United States to acquire territory is derived solely from the power to create and admit new States, which power is conferred upon Congress by section 3 of Article IV of the Constitution. The Dred Scott case is the only case in which this proposition has ever been accepted. What is popularly supposed to have led to its acceptance in that case is matter of history, not of law. It is sufficient for the purposes of this investigation to call attention to the fact that Chief Justice Taney's major premise was in direct contravention of the doctrines established by the prior decisions of the court and by the course of Congressional action, and has been ignored and completely overthrown by the subsequent decisions of the court, to say nothing of the tremendous results of the civil war.

The right of the United States to acquire territory was at first held to arise from the power conferred upon Congress by the Constitution—

1. To carry on war. (Clause 11, section 8, Article I.)

And the power conferred upon the President and Senate—

2. To make treaties. (Clause 2, section 2, Article II.)

Finally, the court, the Congress, and the nation recognized that the United States is a sovereign nation, and that the right to acquire territory is an inherent attribute of sovereignty, and thereupon this right of the United States was declared to rest upon the abiding foundation—

3. The sovereignty of the United States. (American Insurance Company *vs.* Canter, 1 Peters, 511, 541; Mormon Church *vs.* United States, 136 U. S., 42; United States, Lyon et al. *vs.* Huckabee, 16 Wall., 414, 434; Jones *vs.* United States, 137 U. S., 202, 212.)

That the doctrine announced by Chief Justice Taney in the Dred Scott case was in direct contravention of the understanding and course inaugurated by the founders of our Government and thereafter followed by Congress, is manifest from an examination of the national compact with the Northwest Territory (1787), the Louisiana purchase treaty (1803), the treaty with Spain regarding Florida (1819), the treaty with Mexico regarding Upper California and New Mexico (1848), and Alaska (1867).

One of the articles of the national compact with the Northwest Territory (1787) contained the following pledge:

"There shall be formed in the said territory not less than three nor more than five States. * * * And * * * such State shall be admitted * * * on an equal footing with original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government." (See Rev. Stat. U. S., page 16, article 5.)

Why was this compact entered into if the territory was already charged with a trust in favor of statehood, and the United States without authority to acquire it for any other purpose?

In the treaty for the cession of Louisiana the United States obligated itself that—

"The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States." (Article 3, 8 U. S. Stat., 202.)

In the treaty with Spain, whereby was confirmed the title of the United States to the Floridas, the United States obligated itself that—

"The inhabitants of the territories * * * shall be incorporated in the Union of the United States as soon as it may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States." (Article 6, 8 Stat., 256.)

In the treaty with Mexico, whereby Mexico relinquished its rights to Upper California and New Mexico, the United States obligated itself that—

"The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article, shall be incorporated in the Union of the United States and to be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution." (Article 9, 9 Stat., 930.)

In the treaty with Russia whereby the United States acquired title to Alaska the United States obligated itself that—

"The inhabitants of the ceded territory * * * should be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." (Article III, 15 Stat., 542.)

For what purpose and to what end were these treaty stipulations created, if by the act of acquisition the territory became charged with a trust in favor of statehood and the United States required by its Constitution to execute said trust?

The doctrine announced in the Dred Scott decision was not original with Chief Justice Taney. It was originated by John C. Calhoun and announced by him during the discussion of the Wilmot proviso in 1847. Regarding its origin Thomas H. Benton says:

"A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress. Failing in those attempts, the difficulty was leaped over by boldly assuming "that the Constitution went of itself"—that is to say, the slavery part of it. In this exigency Mr. Calhoun came out with his new and supreme dogma of the transmigratory function of the Constitution in the ipso facto, and the instantaneous transportation of itself in its slavery attributes into all acquired Territories."

And as to the doctrine itself, Benton says:

"History can not class higher than as the vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States, for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress."—*Benton's Thirty Years in the Senate*, volume 2, pages 713, 714.

TRIAL BY JURY, DISTRICT OF COLUMBIA.

Mr. Justice Brewer summarizes the decisions on this point as follows:

"Whether the seventh amendment of the Constitution of the United States, which provides that 'in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved,' operates, ex proprio vigore, to invalidate this statute may be a matter of dispute. In Webster *vs.* Reid (2 Howard, 437) an act of the legislature of Iowa dispensing with a jury in a certain class of common-law actions was held void. While in the opinion, on page 460, the seventh amendment was quoted, it was also said: 'The organic law of the Territory of Iowa, by express provision and by reference, extends the laws of the United States, including the ordinance of 1787, over the Territory, as far as they are applicable;' and the ordinance of 1787, article 2, in terms provided that 'the inhabitants of said Territory shall be entitled to the benefit of the writ of habeas corpus and of trial by jury.' So the validity may have been adjudged by reason of conflict with Congressional legislation. In Reynolds *vs.* United States (98 U. S., 145, 154) it was said, in reference to a criminal case coming from the Territory of Utah, that 'by the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury.' Both of these cases were quoted in Callan *vs.* Wilson (127 U. S., 540) as authorities to sustain the ruling that the provisions of the Constitution of the United States relating to trial by jury are in force in the District of Columbia. On the other hand, in Mormon Church *vs.* United States (136 U. S., I, 44), it was said by Mr. Justice Bradley, speaking for the court: 'Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions.' And in McAllister *vs.* United States (141 U. S., 174), it is held that the constitutional provision in respect to the tenor of judicial offices did not apply to Territorial judges."

TERRITORY NO PART OF UNITED STATES.

Such was not the view of Daniel Webster in 1828 when arguing American Insurance Company *vs.* Canter (1 Peters, 511). He then said:

"What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions. The territory and all within it are to be governed by the acquiring power, except where there are reservations by treaty. By the law of England, when possession is taken of territories, the King, jure coronæ, has the power of legislation until Parliament shall interfere. Congress has the jus coronæ in this case, and Florida was to be governed by Congress as she thought proper. What has Congress done? She might have done anything; she might have refused the right of trial by jury and refused a legislature. She has given a legislature to be exercised at her will; and a government of a mixed nature, in which she has endeavored to distinguish between State and United States jurisdiction, anticipating the future erection of the territory into a State. Does the law establishing the court at Key West come within the restrictions of the Constitution of the United States? If the Constitution does not extend over this territory, the law can not be inconsistent with the national Constitution."

Such was not the view of Chief Justice Marshall, who delivered the opinion in that case and therein said:

"These courts, then, are not constitutional courts, in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution, but is conferred by Congress in the execution of those general powers which that body possesses over the Territories of the United States. Although admiralty jurisdiction can be exercised in the States in those courts only which are established in pursuance of the third article of the Constitution, the same limitation does not extend to the Territories. In legislating for them Congress exercises the combined powers of the general and of the State government."

Nor was such the view of Chief Justice Chase, as shown by an extract from his opinion in Clinton *vs.* Englebrecht (13 Wallace, 434), as follows:

"There is no supreme court of the United States, nor is there any district court of the United States in the sense of the Constitution, in the Territory of Utah. The judges are not appointed for the same terms, nor is the jurisdiction which they exercise part of the judicial power conferred by the Constitution of the General Government. The courts are the legislative courts of the Territories, created in virtue of that clause which authorizes Congress to make all needful rules and regulations respecting the Territories belonging to the United States."

Twenty years later Daniel Webster was again called upon to refute the doctrine against which he had successfully contended in this case. The forum was the Senate of the United States, and the occasions were his famous debate with John C. Calhoun and his reply to Hayne. It was by reason of showing the fallacy of this dogma that he gained the name "Expounder of the Constitution," and was adjudged worthy to rank with Chief Justice Marshall himself.

The question of extending the Constitution and laws of the United States to Upper California and New Mexico upon the acquisition of that territory from Mexico gave rise to a heated debate in Congress. That debate is described by Benton, then a Senator, in chapter 182, volume 2, page 729, of his famous work, Thirty Years in the United States Senate, as follows:

"The treaty of peace with Mexico had been ratified in the session of 1847-48, and all the ceded territory became subject to our Government and needing the immediate establishment of Territorial governments; but such were the distractions of the slavery question that no such governments could be formed nor any law of the United States extended to these newly acquired and orphan dominions. Congress sat for six months after the treaty had been ratified, making vain efforts to provide government for the new territories, and adjourning without accomplishing the work. Another session had commenced and was coming to a close with the same fruitless result. Bills had been introduced, but they only gave rise to heated discussion. In the last days of the session the civil and diplomatic appropriation bill—the one which provides annually for the support of the Government, and without the passage of which the Government would stop—came up from the House to the Senate. It had received its consideration in the Senate, and was ready to be returned to the House, when Mr. Walker, of Wisconsin, moved to attach to it, under the name of amendment, a section providing a temporary government for the ceded territories and extending an enumerated list of acts of Congress to them. It was an unparliamentary and disorderly proposition, the proposed amendment being incongruous to the matter of the appropriation bill, and in plain violation of the obvious principle which forbade extraneous matter, and especially that which was vehemently contested from going into a bill upon the passage of which the existence of the Government depended. The proposition met no favor; it would have died out if the mover had not yielded to a Southern solicitation to insert the extension of

the Constitution into his amendment, so as to extend the fundamental law to those for whom it was never made, and where it was inapplicable and impracticable. The novelty and strangeness of the proposition called up Mr. Webster, who said:

"'It is of importance that we should seek to have clear ideas and correct notions of the question which this amendment of the member from Wisconsin has presented to us, and especially that we should seek to get some conception of what is meant by the proposition, in a law "to extend the Constitution of the United States to the Territories." Why, sir, the thing is utterly impossible. All the legislation in the world, in this general form, could not accomplish it. There is no cause for the operation of the legislative power in such a manner as that. The Constitution—what is it? We extend the Constitution of the United States by law to territory! What is the Constitution of the United States? Is not its very first principle that all within its influence and comprehension shall be represented in the legislature which it establishes, with not only a right of debate and a right to vote in both Houses of Congress, but a right to partake in the choice of the President and Vice-President? And can we by law extend these rights, or any of them, to a Territory of the United States? Everybody will see that it is altogether impracticable. It comes to this, then, that the Constitution is to be extended as far as practicable. But how far that is is to be decided by the President of the United States, and therefore he is to have absolute and despotic power. He is the judge of what is suitable and what is unsuitable; and what he thinks suitable is suitable, and what he thinks unsuitable is unsuitable. He is omnis in hoc, and what is this but to say, in general terms, that the President of the United States shall govern this Territory as he sees fit till Congress makes further provision.

"'Now, if the gentleman will be kind enough to tell me what principle of the Constitution he supposes suitable—what discrimination he can draw between suitable and unsuitable which he proposes to follow, I shall be instructed. Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States, and over nothing else. It can not be extended over anything except over the old States and the new States that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty is extended by force of the Constitution itself over every new Territory. That proposition can not be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible constructions. It is said that this must be so, else the right of the habeas corpus would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.'

"It was not Mr. Walker, of Wisconsin, the mover of the proposition, that replied to Mr. Webster; it was the prompter of the measure that did it, and in a way to show immediately that this extension of the Constitution to Territories was nothing but a new scheme for the extension of slavery. Denying the power of Congress to legislate upon slavery in Territories—finding slavery actually excluded from the ceded territories and desirous to get it there—Mr. Calhoun, the real author of Mr. Walker's amendment, took the new conception of carrying the Constitution into them, which, arriving there, and recognizing slavery, and being the supreme law of the land, it would override the anti-slavery laws of the Territory and plant the institution of slavery under its ægis and above the reach of any Territorial law or law of Congress to abolish it. He therefore came to the defense of his own proposition, and thus replied to Mr. Webster:

"'I rise, not to detain the Senate to any considerable extent, but to make a few remarks upon the proposition first advanced by the Senator from New Jersey, fully indorsed by the Senator from New Hampshire, and partly indorsed by the Senator from Massachusetts, that the Constitution of the United States does not extend to the Territories. That is the point. I am very happy, sir, to hear this proposition thus asserted, for it will have the effect of narrowing very greatly the controversy between the North and the South as it regards the slavery question in connection with the Territories. It is an implied admission on the part of those gentlemen that if the Constitution does extend to the Territories, the South will be protected in the enjoyment of its property—that it will be under the shield of the Constitution. You can put no other interpretation upon the proposition which the gentlemen have made that the Constitution does not extend to the Territories. Then the simple question is, Does the Constitution extend to the Territories, or does it not extend to them? Why, the Constitution interprets itself. It pronounces itself to be the supreme law of the land.'"

"When Mr. Webster heard this syllogistic assertion, that the Constitution being the supreme law of the land and the Territories being a part of the land, ergo the Constitution, being extended to them, would be their supreme law; when he heard this he called out from his seat, 'What land?' Mr. Calhoun replied, saying:

"'The land; the Territories of the United States are a part of the land. It is the supreme law, not within the limits of the States of this Union merely, but wherever our flag waves—wherever our authority goes the Constitution in part goes, not all its provisions certainly, but all its suitable provisions. Why, can we have any authority beyond the Constitution? I put the question solemnly to gentlemen, If the Constitution does not go there, how are we to have any authority whatever? Is not Congress the creature of the Constitution; does it not hold its existence upon the tenure of the continuance of the Constitution, and would it not be annihilated upon the destruction of that instrument and the consequent dissolution of this confederacy? And shall we, the creature of the Constitution, pretend that we have any authority beyond the reach of the Constitution?

"'Sir, we were told, a few days since, that the courts of the United States had made a decision that the Constitution did not extend to the Territories without an act of Congress. I confess that I was incredulous, and am still incredulous that any tribunal, pretending to have a knowledge of our system of government, as the courts of the United States ought to have, could have pronounced such a monstrous judgment. I am inclined to think that it is an error which has been unjustly attributed to them; but if they have made such a decision as that, I for one say that it ought not and never can be respected. The Territories belong to us; they are ours; that is to say, they are the property of the thirty States of the Union; and we, as the representatives of those thirty States, have the right to exercise all that authority and jurisdiction which ownership carries with it.'"

"Mr. Webster replied with showing that the Constitution was made for the States, not Territories; that no part of it went to a Territory unless specifically extended to it by act of Congress; that the Territories from first to last were governed as Congress chose to govern them, independently of the Constitution and often contrary to it, as in denying them Representatives in Congress, a vote for President and Vice-President, the protection of the Supreme Court; that Congress was constantly doing things in the Territories without constitutional objection (as making mere local roads and bridges) which could not be attempted in a State. He argued:

"'The Constitution, as the gentleman contends, extends over the Territories. How does it get there? I am surprised to hear a gentleman so distinguished as a strict constructionist affirming that the Constitution of the United States extends to the Territories without showing us any clause in the Constitution in any way leading to that result, and to hear the gentleman maintaining that position without showing us any way in which such a result could be inferred increases my surprise. One idea further upon this branch of the subject. The Constitution of the United States extending over the Territories, and no other law existing there! Why, I beg to know how any government could proceed without any other authority existing there than such as is created by the Constitution of the United States? Does the Constitution of the United States settle titles to land? Does it regulate the rights of property? Does it fix the relations of parent and child, guardian and ward? The Constitution of the United States establishes what the gentleman calls a confederation for certain great purposes, leaving all the great mass of laws which is to govern society to derive their existence from State enactments. That is the just view of the state of things under the Constitution. And a State or Territory that has no law but such as it derives from the Constitution of the United States must be entirely without any State or Territorial government. The honorable Senator from South Carolina, conversant with the subject as he must be from his long experience in different branches of the Government, must know that the Congress of the United States have established principles in regard to the Territories that are utterly repugnant to the Constitution.

"'The Constitution of the United States has provided for them an independent judiciary; for the judge of every court of the United States holds his office upon the tenure of good behavior. Will the gentleman say that in any court established in the Territories the judge holds his office in that way? He holds it for a term of years and is removable at Executive discretion. How did we govern Louisiana before it was a State? Did the writ of habeas corpus exist in Louisiana during its Territorial existence? Or the right to trial by jury? Who ever heard of trial by jury there before the law creating the Territorial government gave the right to trial by jury? No one. And I do not believe that there is any new light now to be thrown upon the history of the proceedings of this Government in relation to that matter. When new territory has been acquired it has always been subject to the laws of Congress, to such laws as Congress thought proper to pass for its immediate government, for its government during its Territorial existence, during the preparatory state in which it was to remain until it was ready to come into the Union as one of the family of States.'"

"All this was sound constitutional law, or, rather, was veracious history, showing that Congress governed as it pleased in the Territories independently of the Constitution, and often contrary to it, and consequently that the Constitution did not extend to it. Mr. Webster then showed the puerility of the idea that the Constitution went over the Territories because they were 'land,' and exposed the fallacy of the supposition that the Constitution, even if extended to a Territory, could operate there of itself and without a law of Congress made under it. This fallacy was exposed by showing that Mr. Calhoun, in quoting the Constitution as the supreme law of the land, had omitted the essential words which were part of the same clause and which couple with that supremacy the laws of Congress made in pursuance of the Constitution. Thus:

"'The honorable Senator from South Carolina argues that the Constitution declares itself to be the law of the land, and that therefore it must extend over the Territories. "The land," I take it, means the land over which the Constitution is established, or, in other words, it means the States united under the Constitution. But does not the gentleman see at once that the argument would prove a great deal too much? The Constitution no more says that the Constitution itself shall be the supreme law of the land than it says that the laws of Congress shall be the supreme law of the land. It declares that the Constitution and the laws of Congress passed under it shall be the supreme law of the land.'"

"The question took a regular slavery turn, Mr. Calhoun avowing his intent to be to carry slavery into the Territories under the wing of the Constitution, and openly treating as enemies to the South all that opposed it. Having taken the turn of a slavery question, it gave rise to all the dissension of which that subject had become the parent since the year 1835.

* * * * * * *

"This attempt, pushed to the verge of breaking up the Government in pursuit of a newly invented slavery dogma, was founded in errors too gross for misapprehension. In the first place, as fully shown by Mr. Webster, the Constitution was not made for Territories, but for States. In the second place, it can not operate anywhere, not even in the States for which it was made, without acts of Congress to enforce it. This is true of the Constitution in every particular. Every part of it is inoperative until put into action by a statute of Congress. The Constitution allows the President a salary; he can not touch a dollar of it without an act of Congress. It allows the recovery of fugitive slaves; you can not recover one without an act of Congress. And so of every clause it contains. The proposed extension of the Constitution to Territories, with a view to its transportation of slavery along with it, was then futile and nugatory until an act of Congress should be passed to vitalize slavery under it. So that, if the extension had been declared by law, it would have answered no purpose except to widen the field of the slavery agitation, to establish a new point of contention, to give a new phase to the embittered contest, and to alienate more and more from each other the two halves of the Union. But the extension was not declared. Congress did not extend the Constitution to the Territories.

"The proposal was rejected in both Houses; and immediately the crowning dogma is invented that the Constitution goes of itself to the Territories without an act of Congress, and executes itself, so far as slavery is concerned, not only without legislative aid, but in defiance of Congress and the people of the Territory. This is the last slavery creed of the Calhoun school and the one on which his disciples now stand, and not with any barren foot. They apply the doctrine to existing Territories and make acquisitions from Mexico for new applications. It is impossible to consider such conduct as anything else than as one of the devices for 'forcing the issue with the North,' which Mr. Calhoun in his confidential letter to the members of the Alabama legislature avows to have been his policy since 1835, and which he avers he would then have effected if the members from the slave States had stood by him."

OLD PLATFORMS.

Lincoln announced the theorem, "A house divided against itself can not stand." "This nation will be all slave or all free."

In 1860 the approach of a Presidential election found that diverse views regarding the doctrine that the Constitution was in force in the Territories ex proprio vigore had divided the people into three great camps.

These views found expression in the national platforms adopted by three conventions. The Democratic convention which nominated Douglas declared:

"Inasmuch as differences of opinion exist in the Democratic party as to the nature and extent of the powers of a Territorial legislature, and as to the powers and duties of Congress, under the Constitution of the United States, over the institution of slavery within the Territories:

"*Resolved*, That the Democratic party will abide by the decisions of the Supreme Court of the United States on the questions of constitutional law."

Douglass was the embodiment of the doctrine of squatter sovereignty, and his platform was constructed so as to enable the Democrats who rejected it

to support him in the election, and remit the question of the soundness of the doctrine to the Supreme Court.

The Democratic convention which nominated Breckinridge declared:

"1. That the government of a Territory organized by an act of Congress is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle with their property in the Territory without their rights, either of person or property, being destroyed or impaired by Congressional or Territorial legislation.

"2. That it is the duty of the Federal Government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories and wherever else its constitutional authority extends."

The Republican convention nominated Lincoln and declared:

"7. That the new dogma that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country."

Upon the issues as joined the sovereign people pronounced decree by electing 180 Lincoln electors out of 303 votes in the electoral college and a Republican majority in both the Senate and the House.

The popular vote stood:

Total for the doctrine (Douglas and Breckinridge)	2,223,068
Total against the doctrine (Lincoln and Bell)	2,457,813
Majority of those opposing	234,475

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 91. Joint resolution authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department;

Senate concurrent resolution No. 27:

Resolved, etc., That there be printed for the use of the United States commission to the Philippine Islands, 1,500 copies of volume 1 of their report recently submitted to the Senate by the President;

S. R. 77. Joint resolution authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899;

S. 62. An act granting a pension to Robert Black;

S. 1769. An act granting an increase of pension to Henry Frank;

S. 667. An act granting a pension to B. H. Randall;

S. 645. An act granting a pension to David Hunter;

S. 677. An act granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis;

S. 2742. An act restoring to the pension roll the name of Annie A. Gibson;

S. 2220. An act granting an increase of pension to Mrs. E. S. Kelly;

S. 1419. An act to increase the pension of Annie B. Goodrich;

S. 1228. An act granting a pension to Thomas Jordan;

S. 239. An act granting a pension to Rhoda A. Foster;

S. 241. An act granting a pension to Patrick Layhee;

S. 2008. An act granting a pension to Flavel H. Van Eaton;

S. 209. An act granting an increase of pension to Cornelia De Peyster Black;

S. 208. An act granting a pension to Josephine I. Offley;

S. 1919. An act granting a pension to Consolacion Victoria Kirkland;

S. 1960. An act granting an increase of pension to Eli J. March;

S. 1309. An act granting an increase of pension to Herman Piel;

S. 1298. An act granting a pension to Capt. Oscar Taylor;

S. 994. An act granting an increase of pension to Casper Miller, jr.;

S. 2209. An act granting an increase of pension to Frederick Higgins;

S. 1331. An act granting an increase of pension to Ellen C. Abbott;

S. 2375. An act granting a pension to Mary A. Russell;

S. 819. An act granting an increase of pension to Benjamin F. Bourne;

S. 833. An act granting an increase of pension to Henry Atkinson;

S. 820. An act granting an increase of pension to Mrs. Anna M. Dietzler;

S. 2622. An act granting a pension to Maria A. Thompson;

S. 345. An act granting a pension to Catherine L. Nixon;

S. 1250. An act granting a pension to Mrs. Hattie E. Redfield;

S. 1251. An act increasing the pension of Celia A. Jeffers;

S. 1254. An act granting a pension to Catherine E. O'Brien;

S. 1255. An act granting an increase of pension to James M. Simeral;

S. 2167. An act granting an increase of pension to Franklin C. Plantz;

S. 2351. An act granting a pension to Joseph Q. Skelton;

S. 2344. An act granting a pension to Alice V. Cook;

S. 1194. An act granting a pension to John B. Ritzman;

S. 1202. An act granting a pension to Sarah E. Stubbs;

S. 1721. An act granting an increase of pension to Amos H. Goodnow;

S. 1729. An act granting an increase of pension to Oliver J. Lyon;

S. 320. An act granting an increase of pension to Allen Buckner, of Baldwin, Kans.;

S. 1264. An act granting a pension to James A. Southard;

S. 1265. An act granting a pension to Elender Herring, of Elsmore, Kans.;

S. 1266. An act granting a pension to Jacob Saladin;

S. 1268. An act granting a pension to Sarah R. Burrell, of Wichita, Kans.;

S. 2441. An act granting a pension to Felix G. Sitton;

S. 2432. An act granting an increase of pension to James A. Thomas;

S. 3129. An act granting an increase of pension to Henry McMillen;

S. 419. An act amending the act providing for the appointment of a Mississippi River Commission, etc., approved June 28, 1879;

S. 200. An act granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home;

S. 340. An act to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

S. 1017. An act for the relief of John M. Guyton;

S. 3003. An act to amend an act entitled "An act to authorize the Grand Rapids Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899;

S. 1175. An act to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College, at Florence, Ala.;

S. 2869. An act authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River, at Nome City, in the Territory of Alaska;

S. 1931. An act to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River;

S. 2931. An act to incorporate the American National Red Cross, and for other purposes;

S. 189. An act for the relief of the owners of the British ship *Foscolia* and cargo;

S. 779. An act for the relief of the Potomac Steamboat Company;

S. 793. An act providing for the adjustment of the swamp-land grant to the State of Wisconsin, and for other purposes;

S. 1787. An act granting an increase of pension to Maj. Joseph P. Pope;

S. 3129. An act granting an increase of pension to Henry McMillen; and

S. 3017. An act granting an increase of pension to Julia M. Edie.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5487. An act authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou near Shreveport, La.;

H. R. 4698. An act granting an increase of pension to John C. Fitnam; and

H. R. 7660. An act granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

The message also announced that the Senate had passed with amendments the bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana; in which the concurrence of the House was requested.

TRADE OF PUERTO RICO.

The committee resumed its sitting.

Mr. MCCALL. Mr. Chairman, the distinguished chairman of the Committee on Ways and Means, who is the able leader of this House, and brings to all economic questions a sound judgment and a wide range of information, has, in my opinion, clearly shown that the pending bill will produce a sufficient revenue. But the question of revenue is, I believe, of slight importance compared with another question involved, upon which I regret to say that I am compelled to dissent from the views entertained by my Republican colleagues on the committee, many of whom I have so often followed in the past with pleasure.

The main question put in issue by the substitute bill reported by the chairman of the committee involves nothing less than the proposition that Congress, in dealing with the Territories of the United States, has absolute power, unfettered by any of the limitations of the Constitution. That it is, in short, a power acting outside of the Constitution with the capacity to deal with all persons and property in our Territories as it may see fit. The issue

raised by the committee is not, Does the Constitution govern Puerto Rico, but does it govern us? [Applause.] Believing that absolute power was never intended to be given by the framers of the Constitution; that it is contrary to the whole spirit of that instrument; that it is contrary, also, to its specific terms, and that a long and unbroken line of decisions of our Supreme Court are directly against this assertion of power, I feel myself constrained to oppose this bill.

A great deal has been said about the meaning of the term "United States" in the Constitution, and it seems to me much irrelevant learning has been expended in the discussion of that question. It is evident that the term could have been employed in any one of three different senses according to the context—one as expressing simple sovereignty and the national name, another as referring to the individual States composing the Union, and the third referring to the empire or territory over which the new sovereignty was to have sway.

It will require no very ample learning, it seems to me, in our history before the formation of the Constitution to enable one to see that the term might have been used in any of these three senses. There is another and broader sense in which the term is used since the great war of the rebellion. Some of the old views of the Constitution were totally overthrown by that great convulsion. The close-corporation theory, the idea that our Government rested simply upon the States as units, and that the term "United States," in the political sense, meant simply the States composing the Union, it seems to me, gave way then to the broader doctrine that the Government of the United States rests not in the States but in the people as a whole, a new body politic created by the Constitution.

But, sir, this is no question of mere syntax. What are the vital points? The Revolution was started and fought to a successful conclusion upon the broad principle that one community had no right permanently to levy taxes upon another community. That was the underlying idea which led to the establishment of this Government. The power to tax is the very essence of the power to enslave. The right to take a portion of the proceeds of a man's toil by an unlimited power of taxation necessarily involves the right to take them all. This idea, I say, underlies the foundation of our Government.

And what more than any other motive led to the abandonment of the old Articles of Confederation and the adoption of our Constitution? Was it not the desire to do away with the local tollgates that had been set up upon the frontiers of each State and to break down the local barriers upon commerce, so that trade might be carried on unfettered throughout the dominion of the United States? The two things, then, that we should expect to find guarded in the Constitution, and the two things with reference to which we should most strictly construe all its terms, are, first, the power to tax, and, second, the power to set up again local barriers against trade within our dominion which the Constitution was erected to throw down.

Now, I do not propose to consume the time of the House with any elaborate review of the condition of our public lands, or of any other portions of our history prior to the adoption of the Constitution than those to which I have alluded, but I come to the direct issue involved by this bill. Section 8 of the first article of the Constitution is as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Here is the power of taxation specifically given, and in the very section which gives the power the method of its exercise is as distinctly marked out. The power and the method granted in the same breath are coextensive, and wherever Congress has the power to lay and collect duties, imposts, and excises it must lay and collect them uniformly. This would seem to be in accordance with the most natural and simple meaning of the words. Certainly the term "United States" in the uniformity clause does not mean mere sovereignty. It undoubtedly refers to territory, to the places over which this dominion or power is to be exercised.

If we were in any doubt as to the meaning of the words, then I submit that we should solve that doubt in the light of those two great ideas to which I have referred, the one of which caused the Revolution and the other of which led to the adoption of the Constitution. We should give that clause the strictest construction and interpret it in case of doubt against the power to tax and against the power to set up local barriers.

But we are not without further light. This very clause has been construed by the great arbiter set up by the Constitution for the final settlement of all constitutional and other legal questions. I shall quote now from the case of Loughborough *vs.* Blake, in which John Marshall, as great a jurist as ever sat upon any bench, rendered the decision of the court:

> The power to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any part of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the Territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other.

There could not be a more explicit construction placed upon the meaning of any words. This opinion unequivocally holds that the expression "United States" in the clause providing for uniformity of duties, excises, and imposts means the whole American empire and includes the Territories as well as the States. But it is discovered that this expression of opinion is obiter dictum, and a good deal of ingenuity has been expended in support of the proposition that the principle which John Marshall put in the forefront of that decision was not the principle upon which the case should have been decided. A reading of the case, however, will convince anyone that it might well have been put upon that principle, and the fact that it was put upon it is some evidence that the court considered the question and thought that it was material to the decision.

A modern school of jurists—so modern that they have only appeared within our body politic during the last eighteen months—have discovered that the District of Columbia, the constitutional status of which was involved in the case of Loughborough *vs.* Blake, was under the Constitution while it was a part of a State, and by its subsequent cession it did not lose that status. In other words, although the Constitution itself provided for the carving out and cession of just such a district somewhere, in some way when the specific cession of the territory actually occurred the constitution which had been adopted by the State from which it was separated ran with this territory like a covenant running with the land.

All I have to say, Mr. Chairman, upon this proposition is that so far as I can discover it never has occurred to the mind of any justice of our Supreme Court in the long line of decisions that have been rendered upon the constitutional status of the District of Columbia. The utmost that can be shown by it is the obtuseness of the men who have adorned that bench, although it is barely possible that the point was so small and trivial and insignificant as to be beneath the attention of those great minds.

If the opinion which John Marshall expressed for himself and his associates upon that bench were a mere obiter dictum, it would still be entitled to great weight and respect in any tribunal in the world, but it was not obiter dictum. It is clear that the principle was from the view the court took of the case involved in the decision. John Marshall enunciated principles. His mind had a wider range than that of the modern police court justice whose intellectual processes it is now sought to impose upon that great man.

This is one unequivocal opinion by the Supreme Court that the principle involved in the bill presented by the majority of the Committee on Ways and Means is in violation of the Constitution which every member here has taken an oath to observe, protect, and defend. But this specific clause of the Constitution has again been considered by the Supreme Court of the United States, and the meaning of the term "United States" in the uniformity clause has again been construed. I refer now to the case of Cross *vs.* Harrison (16 Howard, 191). That was a case where, among other issues, the question was raised of the legality of certain duties imposed in the Territory of California after it had been ceded to the United States and before it was admitted as a State. In that case the court declared that—

> After the ratification of the treaty California became a part of the United States.

More than once in the consideration of that case it treated California, with reference to the clause of the Constitution in question, as a part of the United States, and finally it declared that—

> "The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision of the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States.
>
> "Indeed, it must be very clear that no such right exists and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States."

Here, then, are two decisions of our Supreme Court, made without any dissent, separated from each other by a third of a century, with the court composed in each case of entirely different justices, which hold that the clause requiring duties, imposts, and excises to be uniform throughout the United States applied to Territories. It may be possible that some fine-spun theory may some day point to the conclusion that this second opinion was also a dictum; but in a law case involving a man's life the authority of these cases would be regarded as conclusive, especially as they have been in no decision overruled or even questioned. So much for the specific interpretation by the Supreme Court of the clause of the Constitution in question.

I will now refer briefly—and there is a long line of decisions—to the cases dealing with the same proposition in a more general form, namely, whether Congress, in legislating for the Territories

of the United States, has unlimited authority, and acts as an absolute, primitive sort of despotism outside of the Constitution, or whether it is controlled by the limitations of the instrument which created it; whether the great doctrine of constitutional liberty is only applicable to the residents of this very narrow and close corporation of States, or whether those principles restrain all our agencies of government wherever they are exercised and wherever our laws have sway.

This point has been repeatedly before the Supreme Court. In Murphy *vs.* Ramsey (114 U. S.) the court held that the National Government acts with reference to the Territories—

subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

And again:

The personal and civil rights of the inhabitants of the Territories are secured to them as to other citizens by the principles of constitutional liberty which restrain all the agencies of government, State and national.

In Reynolds *vs.* United States (88 U. S., 145) the court repeatedly recognized the principle that the constitutional guaranty of right of trial by jury extends to the Territories. With regard to another constitutional right it declared:

Congress can not pass a law for the government of Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States.

Possibly this is another dictum.

In National Bank *vs.* County of Yankton (101 U. S.), the court declared with reference to a Territory that Congress possessed—

All the powers of the people of the United States except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

Here is another clear recognition of the principle that when Congress deals with Territories it is not acting as an unrestrained despot, but must act subject to the limitations upon its power set forth in the Constitution.

In the case of Callan *vs.* Wilson, relating to the District of Columbia, the court said:

There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property.

It can also be said in this case that the Supreme Court again displayed its lack of discrimination, and in considering the question of the constitutional status of the District of Columbia it failed utterly to mention the very modern theory of the manner in which the District crept under the Constitution, but treated it in the discussion simply as a vulgar and common Territory.

In the recent case of Springvale *vs.* Thomas (166 U. S.) the court said:

In our opinion the seventh amendment secured unanimity in finding the verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

Mr. GAINES. Will my friend allow me to call his attention to a case in point?

Mr. MCCALL. Yes.

Mr. GAINES. I want to read an extract from the case of Capital Traction Company *vs.* Hof (174 U. S.), a case decided by Judge Gray, of your own State, in which he says:

The Congress of the United States, being empowered by the Constitution "to exercise exclusive legislation in all cases whatsoever" over the seat of the National Government, has the entire control over the District of Columbia for every purpose of government, national or local. It may exercise within the District all legislative power that the legislature of a State might exercise within the State; and may vest and distribute the judicial authority in and among courts and magistrates, and regulate judicial proceedings before them as it may think fit, so long as it does not contravene any provision of the Constitution of the United States. (Kendall *vs.* United States [1838], 12 Pet., 524,619; Mattingly *vs.* District of Columbia [1878], 97 U. S., 687,690; Gibbons *vs.* District of Columbia [1886], 116 U. S., 404,407.)

It is beyond doubt, at the present day, that the provisions of the Constitution of the United States securing the right of trial by jury, whether in civil or in criminal cases, are applicable to the District of Columbia. (Webster *vs.* Reid (1850), 11 How., 437, 460; Callan *vs.* Wilson (1888), 127 U. S., 540, 550; Thompson *vs.* Utah (1898), 170 U. S., 343.)

The gentleman from Massachusetts [Mr. MCCALL] has referred to the Callan and Thompson cases, and the court in this unanimous opinion reaffirms them and the doctrine that the Constitution secures the people in our Territories in their fundamental rights.

Mr. MCCALL. Reference has been made to the Dred Scott case, and I have on account of the discredited character of that case in another particular refrained from quoting the opinion of the Chief Justice upon the question here involved. But this can be said, that never was any judicial opinion subjected to a more fiery test than was the opinion of the majority of the court in that case by Mr. Justice Curtis in his masterly dissenting opinion, in which he so nobly vindicated the rights of manhood, and yet almost the one point of the opinion of the majority of the court which was accepted by Mr. Justice Curtis was upon this very point. After a full consideration of the question of the power of Congress over Territories he said:

If, then, this clause does contain a power to legislate respecting the territory, what are the limits of that power?

To this I answer, that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions on Congress not to do certain things; that, in the exercise of the legislative power, Congress can not pass an ex post facto law or bill of attainder; and so in respect to each of the other prohibitions contained in the Constitution.

The Slaughter House Cases (16 Wallace) plainly held that the fourteenth amendment, relating to citizenship, extends to the Territories. And in United States *vs.* Wom Kim Ark (169 U. S.) there can be no question whatever that the court considered the term "United States" in the citizenship clause of the fourteenth amendment as including the Territories. See especially the expressions "born within the dominion," "born within the jurisdiction and allegiance," "born within the sovereignty," "the same right in every State and Territory," "born within the territorial limits of the United States," "born in this country;" finally, "the amendment in clear words and in manifest intent includes children born within the territory of the United States."

In the Mormon Church *vs.* United States (136 U. S.) the court cites the case of Murphy *vs.* Ramsey approvingly and says:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments. But its limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express or direct application of its provisions.

This is one of the cases which are cited by those who claim despotic power in Congress over the Territories; but it is entirely beyond question that the court holds that Congress in legislating for the Territories is subject to the limitations formulated in the Constitution and its amendments. That the court put this restriction upon a ground that is somewhat rhetorical, and more in the nature of exhortation than a reason, does not change the fact that it holds that Congress is subject to these limitations. But three of the justices who sat in that case would not accept these shadowy sources of authority, so similar to the divine origin of the rights of kings, and they dissented through Mr. Chief Justice Fuller.

In my opinion—

Says the Chief Justice—

Congress is restrained not merely by the limitations expressed in the Constitution, but also by the absence of any grant of power expressed or implied in that instrument. * * * I regard it of vital consequence that absolute power should never be conceded as belonging under our system of government to any of its departments.

But in the more recent case of Thomson *vs.* Utah (170 U. S.), Mr. Justice Harlan, in delivering the opinion of the court, said:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

And again:

It is equally beyond question that the provisions of the national Constitution relating to trial by jury for crimes and to criminal prosecutions apply to the Territories of the United States.

For the first time in our history Congress is attempting to tax goods going into an American territory. The fact that in the mutations of a century Congress has not attempted to exercise that power, although we always had large areas of territory, is some evidence that the power was not believed to exist.

The weakness of the case of those who contend for the despotic power of Congress is well illustrated by the authorities which they quote. They refer to the case of Fleming *vs.* Page, where our armies had taken possession of a Mexican port. The port had not been formally ceded or annexed to the United States. The court simply held that military occupation did not make American territory and the clear intimation was that if the port in question had been ceded by a treaty duly ratified or annexed by act of Congress it would have become American territory. The case is not in point at all, but if it is to be considered there is not only nothing in it inconsistent with the proposition I am supporting, but its clear implication is entirely in its favor.

Then there are the cases with reference to the judicial department. In no one of those cases is it held or assumed that Congress has unlimited power over the Territories. The absence of a local government in the Territories, such as the States have, must have occurred to the framers of the Constitution, and these cases all hold in effect that Congress possesses over the Territories, in addition to its national powers, the powers ordinarily exercised by a local State government. As a matter of rational construction it is unreasonable to hold that the framers of the Constitution intended a judiciary with a life tenure to be created for Territories which might be admitted as States in the Union in the course of a few years.

Congress doubtless has, under a fair construction of the Constitution, all those powers necessary to give the people of a Territory that full measure of government which the people of a State enjoy, but that it can play the despot, that it has the power to pass

a law taking away the life of a citizen, that it can pass an ex post facto law, that it can under the guise of taxation take from an American citizen in a Territory his property in defiance of the provisions of the Constitution, are propositions for which there can be found no basis in judicial authority whatever.

I have said the strength of this view is shown by the weakness of the authorities cited in support of the proposition that Congress has unlimited power. I have referred to the decisions in regard to the Federal judiciary. There is no line in the case of Hepburn *vs.* Ellzey (2 Cranch) or New Orleans *vs.* Winter (1 Wheaton) which is in the slightest degree inconsistent with the position of the court as set forth in Loughborough *vs.* Blake and again in subsequent cases. Take the case of Ross (140 U. S.), which is relied upon by the advocates of this bill as strong authority. That was a case where a crime had been committed on board an American ship while at anchor in a Japanese harbor.

It was clearly a case where there was a divided jurisdiction, where probably more could justly be said for the jurisdiction of Japan than for our own. It was such a case as would necessarily call for the exercise of the treaty-making power. A treaty had been made and a statute passed in pursuance of its terms under which Ross was tried by a consular court. It is beyond question that the court did not consider the crime as committed upon American territory, but outside of American territory. The report of the majority of the committee quotes from that case. It might well have quoted further. The court says:

> By the Constitution the government is ordained and established "for the United States of America," and not for countries outside of their limits.

Would the court have used this language in speaking of a Territory of the United States? And again:

> The Constitution can not have any operation in another country. When, therefore, the representatives or officers of our Government are permitted to exercise authority of any kind in any country, it must be on such conditions as the two countries may agree.

Does the National Government make treaties with its Territories? Is it not clear that the court is discriminating between places where the United States has sovereignty and places where it has not? But this is made clear beyond a question.

> The deck of a private American vessel—

The court says—

> it is true, is considered for many purposes constructively as territory of the United States, yet persons on board of such vessels, whether officers, sailors, or passengers, can not invoke protection of the provisions referred to until brought within the actual territorial boundaries of the United States.

The court thus in each instance makes a distinction between that which is American territory and that which is not. Its reasoning clearly implies that if the crime had been committed within the territorial limits of the American empire, the constitutional guaranties would apply.

The terms of the treaty by which Puerto Rico was ceded to the United States do not affect the question. The status of the inhabitants at the time of the cession is left to be determined hereafter, but the status of the territory is fixed. The sovereignty and dominion over it reside in the Government of the United States, and it is, from the constitutional aspect and the aspect of the law of nations, territory of the United States.

A treaty can not enlarge the powers of Congress under the Constitution, for a treaty can have no other force than law; and so far as its effect in this country is concerned, it can be repealed by act of Congress. The utmost that could be claimed, it seems to me, is that a treaty might stipulate with effect against the exercise of a part of the constitutional power of Congress; but I think it very doubtful if even that proposition could be maintained, and it is not material in the present discussion.

When we regard, then, the circumstances out of which our Government and the Constitution sprang, the words themselves of the taxing power, the direct adjudication of their meaning by the Supreme Court, the long line of authorities which deny the existence of absolute power in Congress, it seems to me it is clear that the theory of despotic power is absolutely repugnant to our institutions, and that if our Supreme Court should hold that such a power existed, it would have to reverse itself as no court has ever reversed itself since time began.

The discussion of the question of political rights only befogs the issue, for it has been held that suffrage is not a constitutional right. Congress, under the Constitution, has full political power over the Territories.

If the majority view of the constitutional status of Puerto Rico be correct, the bill violates another clause of the Constitution which is also in favor of freedom of trade within our dominion. I refer to the provision that "no tax or duty shall be laid on articles exported from any State." Either Puerto Rico is a part of the United States within the meaning of the Constitution or it is not. If it is a part of the United States the uniformity clause clearly applies. If it is not a part of the United States within the meaning of the Constitution, then in order for the productions of the United States to reach it they must be exported from the States. In that case our goods would be exported from a State, and after a short sea voyage agents of the United States, at a port over which the United States has control, would levy a duty upon them, which when paid would become subject to an appropriation by the National Government as much as any money in the Treasury. The indirection of the transaction in no wise changes its character. In the view of the Constitution taken by the majority it becomes clearly an export duty, and is therefore prohibited.

But it is said with a fine emphasis that since our right to tax these people precisely as we please is called in question, we should pass this bill, however unjust it may be, to vindicate our power. But if you are going to assert your power, which was questioned by John Marshall three-quarters of a century ago, why not assert it in a bolder way? Why not show your strength by shearing your wolves—New Mexico, Oklahoma, and Alaska—instead of this poor little pet lamb of Puerto Rico? [Applause.] Again, we are asked to pass this bill, that this great constitutional question can come before the Supreme Court.

Sir, that question, precisely as it exists, can now come before the court; but if you pass this bill it will go there with the added weight that attaches to the action of the great political department of the Government. I believe the court will stand firmly by its decisions; but we have a duty imposed upon us of construing the Constitution in the first instance for ourselves. We have had one decision of the court rendered in times of great political stress that a black man had no rights which a white man was bound to respect, and this country was deluged with blood to wash that decision from our laws. Now, we are asked to lay the foundation for a moot case with the weight of Congress behind it and ask for another decision that the white men and the brown men of Puerto Rico are merely our chattels, and that the commonest constitutional right secured to the meanest black man that treads American soil does not belong to them, although they are under the flag. Let no act of Congress impart sanction to that idea.

But it is said grandly that if this view of the Constitution prevails we can not afford to keep the Philippines. How often might our ancestors have likewise become alarmed over the cession of vast expanses of territory many times in the aggregate in excess of our original area and have been fearful of the result upon their industries and their institutions? And yet the rights secured by the Constitution have been recognized over these broad annexations and nobody will say to-day that the whole country was not better for it.

You may be unduly alarmed about the effect of extending the principle of constitutional liberty wherever our sovereignty goes, but so far as we are concerned the blessings of that liberty have been preserved to us at a price in blood and treasure greater than the value of a thousand archipelagoes, and we will not throw away what we have bought so dearly. But the ultimate solution of the Philippine problem has been reserved for us, and I have no doubt we shall solve it wisely if we call into play our sober judgment and do not obscure it with the noisy rant and the fustian of declamation.

But we are now considering the case of a Territory which is a part of this continent, admitted to be within the natural radius of our political action, and of great importance to our defense. Our victory over it was a bloodless victory. Instead of resisting our approaches it turned to this great power as a child turns to its mother. I do not view without concern the prospect of this nation forever taxing the people of that island, but if we are to tax them at all there is some safety in the fact that we ourselves are willing to submit to the taxes which we impose and remember that whatever modern methods of interpretation you may employ upon the Constitution you will find that the right of one nation to appropriate the earnings of another is no less hateful to-day than at the time of the Revolution. I have said that there is some safety in the fact that the taxing state is willing to pay the taxes which it imposes. It requires little discernment to see the danger into which a different practice would lead. We impose by this bill a certain per cent of duties upon goods passing between that island and this country. How long will it be before some powerful interests will demand that they be recognized? The representatives of these interests vote and elect members of Congress. The Puerto Ricans do not vote. Can there be any doubt that the taxes will be levied more and more for the benefit of great interests in this country, and that this hapless people who were told by our generals that they were to receive the glorious blessings of American liberty, who crowned our soldiers with wreaths, will become the victims of our extortion rather than the sharers in our freedom? How was Spain treating them—selfish, heartless, cruel Spain? At the time of their deliverance they had sixteen representatives and four senators in the Spanish Cortes and helped to make the laws for the whole Spanish Empire. They had a 10 per cent duty upon goods passing between the two countries, and it was decreed that at the end of the year 1898 these duties were to disappear. They had almost complete autonomy for their own local affairs and a million and a half in the treasury.

Consider, too, for a moment how this differential tariff will operate. Upon a territory smaller than Connecticut there are crowded a million people. The great question with them is the food question. Upon many articles of food our duties are high, but as we are large exporters the price is not increased to our people. But for every bag of flour and every barrel of pork that goes to Puerto Rico one-fourth of these high duties must be paid, and either the cost of necessary articles of food is increased to them or the American producer gets so much less for his product. The cost to them will almost certainly be increased. Upon the importations of rice I am told the duties will amount to nearly $400,000 a year. Is this the feast of liberty to which you have invited those trusting people?

Remember that if the race from which our institutions sprang has great virtues it has great faults as well. It may not be cruel like the Spanish race; but is it free from cupidity? Do you want an instance from its history which may show you whither you are drifting? To the west of England there rises from the sea an island larger but not more beautiful than Puerto Rico—Ireland. English statesmen thought their country needed protection against her products, and the linen and other great industries of Ireland were taxed and legislated almost out of existence for the benefit of the taxing country, and the people of Ireland were beggared. That system has been abandoned, and to-day a British citizen in Ireland has equal rights with a British citizen in any other part of the Empire, even in England itself; but generations will not obliterate the bitter memories of the oppression and wrong which rankle in the hearts of the Irish people. Do you want to make Puerto Rico our Ireland? I say far wiser will it be if, instead of entering upon a policy which will make her happy, sunny-hearted children the mere chattels of this Government, we follow the humane recommendation of the President and lay the foundations of our empire deep in the hearts of those people. If you will not regard the question from the standpoint of their interests, look at it somewhat broadly from the standpoint of your own. Our injustice will react upon ourselves. [Applause.]

Our nation was founded and has prospered upon the doctrine of constitutional liberty. Do you not see that you are degrading that liberty from a high principle? If so, how long can you expect it to survive at home? We restrain our own power when it may be exerted upon ourselves. You demand now that it shall be absolute and despotic when it may be exerted upon others. If restraint is to be removed, it can more safely be dispensed with when they who wield the power are likely to suffer.

I do not care to see our flag emblazon the principle of liberty at home and tyranny abroad. Sir, I brand with all my energy this hateful notion, bred somewhere in the heathenish recesses of Asia, that one man may exercise absolute dominion over another man or one nation over another nation. That notion comports very little with my idea of American liberty. It was resisted to the last extremity by the heroes who fought at Bunker Hill and starved at Valley Forge. It fell before the gleaming sabers of our troopers at Five-Forks and Winchester. It was shot to death by our guns at Gettysburg and Appomattox. A half million men gave up their lives that their country might stand forth clothed in the resplendent robes of constitutional liberty and that we might have a government of laws and not of men for every man beneath the shining folds of the flag. All the sweet voices of our history plead with us for that great cause to-day. And I do not believe, sir, that this nation will tolerate any abandonment of that principle which has made her morally, as she is physically, without a peer among nations. [Loud applause.]

Mr. MOODY of Massachusetts. Mr. Chairman, I utterly disagree with the conclusions to which my colleague who has just taken his seat has arrived, although I think that as well as any other man I realize the great force and eloquence with which he has stated them. I feel it my duty to avail myself of this opportunity to express my own opinion upon this subject, although my physical condition to-day almost forbids me to undertake the task. I have, Mr. Chairman, no written speech to read, and I must speak as best I may from a few notes, hastily written, for my guidance.

The lesson that seems clearest to my understanding from this debate is that of the great value and beauty of our system of local self-government, which leaves a people or their representatives to make laws suited for their own interest. Acting as a legislature for Puerto Rico, how little we know of its conditions and needs. I believe the mission of our flag wherever it has gone is not so much to carry paper constitutions as to implant in these communities the system of self-government under which we ourselves have so prospered. I believe one of the first tasks to which this House will be asked to address itself in the near future is that of providing a system of self-government for the island of Puerto Rico, by which her people can determine for themselves their own laws and their own taxation.

It is well to see exactly what the bill is that is before the House. It has been lost sight of in the larger question. To-day Puerto Rico has a tariff of its own, established by the President under his conceded military power. When the goods of the United States approach the island, they enter upon terms of equality with the goods of all other nations; and when the goods of Puerto Rico come to the ports of the United States, they come to them upon terms of equality with the goods of all other nations. We pay the duties of the Puerto Rican tariff, and they pay upon their products the duties of the Dingley law. So far as tariffs are concerned, the two countries are foreign to each other to-day. We have no advantages in their markets, nor they in ours. What does this bill propose to do in answer to the President's recommendation of free trade? It does not meet it entirely.

Everybody concedes that, but it takes a great step in that direction. It provides that all the goods of the United States carried to Puerto Rican ports shall be entered there on the payment of 25 per cent of the duties which will be paid by the goods of other nations, and that the goods of Puerto Ricans, while they pay the full Dingley tariff to-day, shall hereafter pay but 25 per cent of that. That is a precious boon which any nation on earth would be glad to have bestowed upon it. It may be this bill is not the best bill; it may be that the bill is not a finality. I believe myself it is not. It may be that in the future, the near future, there will be a still freer exchange of commodities between the United States and Puerto Rico.

My friend who has just taken his seat told us, in words I can not quote exactly, that it was just as hateful to-day as it ever was for one country to tax another for the benefit of the former.

So it is; but where in the history of any legislation is there a precedent where one country taxed its own citizens for the benefit of another, and put the result of that taxation into the Treasury of that other? I put that case, because by the provisions of this bill every dollar, whether collected at the Puerto Rican custom-house or collected at the custom-house of the United States, goes for the benefit of the Puerto Rican treasury, and we pay the expenses of collection. [Applause.]

Mr. Chairman, in the hearings before the Committee on Insular Affairs, of which I have the honor to be a member, I was first impressed with the desirability of following literally the President's recommendation. But there are some other things to be considered than trade. There is education; there are public improvements. The crying need of Puerto Rico is the construction of roads which shall open her domain for increased production. There is not a single schoolhouse, built for that purpose, in the whole island; and the money that we take, not from the Puerto Ricans alone, but which we take out of our own pockets, is to be carried there to build schoolhouses to make their children fit in the future for the sacred boon of American citizenship. [Applause.]

Ah, Mr. Chairman, this bill may not be the best in the world, but it did not deserve from my colleague the language with which he closed his report. "Is it not clear," he said, "that at the outset there is danger we may pave the way for a more hideous extortion and robbery than ever disgraced India?" I had hoped my colleague could have found milder language in which to clothe his dissent. I listened with interest to see if he would not recall those words spoken of a bill reported by every one of his Republican colleagues and supported by the great majority of the Republicans at both ends of the Capitol. But I waited in vain.

I desire to make another complaint to my colleague. Of course our friends on the other side of the aisle would be glad to defeat this bill without substituting anything in its place. They would be glad to get us in a trap; and they would be glad to get any Republican that they can persuade to help get us in a trap. But when we get there, gentleman of the Republican side, we shall all be in a trap, whether we vote for the bill or against it. We have got to stand or fall with our party; we can expect no help from our enemies; but it seems to me that my colleague owed it to his own State and his own party to have proposed a substitute for this bill, a substitute which would insure to the island the revenue it so sorely needs.

Ah, the difficulty about that is that there is but one alternative. There can be no substitute for this bill under present conditions except a direct appropriation from the National Treasury. Every man who has considered the conditions in Puerto Rico knows that that is the truth. I desire to say to every Republican member in this House—for I believe it to be true and I believe the Committee on Ways and Means will sustain me in the statement—that if this bill fails, there is but the resource of direct appropriation from the Federal Treasury. Can we justify such a policy to the country! Nay, more. Can we justify it to the Puerto Ricans themselves? We pauperize them at the outset, instead of teaching them that citizenship has its burdens as well as its benefits.

But, Mr. Chairman, I should not have taken the floor at all at this time if the proposed legislation had not been challenged upon higher grounds than those of mere expediency. I propose to discuss the constitutional aspects of this bill. I desire to relieve the House at the very outset by saying that I do not propose to read from books; I do not propose to read from cases; I do not propose to refer at any great length to any great number of cases. That

has been done, and ably done, by many gentlemen who have preceded me. I am willing to try to cover the ground in another way.

We are brought at the very threshold face to face with the greatest question which can arise in dealing with our new possessions. Whether it was wise or not to have required us to meet that question at this early day, I will not say. Gentlemen may differ in opinion about that. But it is here; we are dealing with the full question of our power and policy over all our new possessions. The island of Puerto Rico is not important here. Everybody's thought leaves that and at once goes to the Philippine Islands, because they were acquired by the same words in the same treaty; and if the Constitution of the United States has gone to the one, it has gone to the other.

How shall we govern that archipelago? I say that the only possibility of governing it is to govern it not as a part of the United States, but as a possession of the nation, as an outlying territory, having a separate existence of its own, with every measure of local self-government of which its people prove themselves to be capable, but owing in the meantime a paramount allegiance to the United States of America. That is the only way in which we can govern them with success; that is the only road to independence for those islands, if independence is to be desired.

I had in my mind, Mr. Chairman, to suggest several difficult problems that present themselves at the very threshold in considering the Philippine question. I do not think I shall do it; for I desire to speak as briefly as I can. But I would like to ask my colleague here and now where there is to-day or ever was in the history of the world a man who was statesman enough to draw a fiscal system suited alike to the American continent and the Philippine Archipelago? The habits, the industries, the pursuits, the history of the people differ so much that a duty which would be a benefit in the one region would be a burden in the other. An excise which would be productive in the one region would be barren in the other. If we undertake to govern these islands under the restrictions of the Constitution, as it has been claimed we are bound to do, we are undertaking an impossible task—a task that will begin in failure and end in ignominious failure. [Applause on the Democratic side.] And I am glad to see the gentleman from Mississippi [Mr. WILLIAMS] applaud that sentiment, because it is my belief——

Mr. WILLIAMS of Mississippi. Why not give up the islands?

Mr. MOODY of Massachusetts. I would rather give up the islands to-day than undertake the task of governing them with my hands tied—in any future now in sight—subject to the restrictions of an instrument which was drawn by and for other people in other stages of civilization. It is not because I wish to oppress them. Every single one of the great rights and muniments of freedom which I myself possess I am ready to carry there to-day. I am ready to report a bill and pass it in this House to accomplish this. Nay, I am even ready to attach as an amendment to the present bill a provision that shall carry to Puerto Rico the same fundamental rights and liberties our fathers gave to the great Northwest Territory. They had not the Constitution, but they had certain rights and liberties. It was ordained that they "shall be considered as articles of compact * * * and forever remain unalterable." What are they? Freedom of religious worship, trial by jury, habeas corpus, representation of the people, judicial proceedings, bail in everything except capital cases, liberty and property not to be taken except by process of law or for the public service except by compensation, and no law to be made to affect public or private contracts.

Mr. BARHAM. What are you reading from?

Mr. MOODY of Massachusetts. From the ordinance of 1787, the authorship of which is disputed between Nathan Dane, of my own State, and the great Democratic leader, Thomas Jefferson. I believe the evidence as to the authorship favors Jefferson. I am willing to carry to Puerto Rico the same rights which he conferred upon that territory out of which the great States of Illinois, Indiana, Ohio, Michigan, and Wisconsin were created.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MOODY of Massachusetts. I will.

Mr. WILLIAMS of Mississippi. I wanted to ask the gentleman simply if one of the rights and benefits which our forefathers extended to the people of the Northwest Territory was not the right and benefit of uniformity of import duties?

Mr. MOODY of Massachusetts. I do not understand that it was as one of the articles of compact.

Mr. GAINES. They certainly did.

Mr. WILLIAMS of Mississippi. Does the gentleman deny the historical fact that our forefathers did extend to them the benefits of a uniform duty?

Mr. MOODY of Massachusetts. No; I do not deny that they did. They did do it.

Mr. WILLIAMS of Mississippi. Then let us give Puerto Rico all the rights that our ancestors gave them.

Mr. MOODY of Massachusetts. The difficulty with gentlemen on the other side and some gentlemen on this side is that they think Congress is going to do everything that it can do; that because it can take a man and condemn him without trial and swing him up without any ceremony, that it is going to do it; that it proposes to make laws that will do that. We propose to do nothing of the kind. We propose to be governed by the spirit of the Constitution, whether or not we are governed by its express terms, and that will be the policy of Congress and is the policy of the Republican party. The difficulty here upon that side of the proposition is this——

Mr. MORRIS. May I interrupt the gentleman?

Mr. MOODY of Massachusetts. Yes.

The CHAIRMAN. Does the gentleman yield?

Mr. MOODY of Massachusetts. I do.

Mr. MORRIS. Does not the gentleman from Massachusetts contend, as I do, that even if those provisions as to the security of life, liberty, and property were not in express terms in the Constitution our people would still be entitled to have them?

Mr. MOODY of Massachusetts. Ah, I agree. They are written in the heart of every man upon this side of the Chamber so deep that nothing can erase them. [Applause on the Republican side.] These people who talk about paper constitutions, how do they treat them in practice?

Mr. MORRIS. I ask the gentleman, further, if in every English possession every man does not have those rights where they have no paper constitution?

Mr. MOODY of Massachusetts. I know of none where it is otherwise, save, perhaps, India. I am not familiar with that, but I know of no English possession where it is otherwise. I can not speak with accuracy on this subject.

Now, Mr. Chairman, the difference between the two propositions is this: If these new possessions are part of the United States, the question is closed forever. They never will become anything else. If, on the other hand, they have not yet become part of the United States, we can await the result of experience. We can deal with them as we please. We can choose the road which they shall travel, with their counsel and consent, in the light of the experience that we shall gather in dealing with them. If it seems desirable that they shall be consolidated as a part of our Republic, we can do so after deliberation and in due season. If not, we can dispose of them as their desire and our interest shall dictate.

Now, the precise question that confronts us in this case is whether the provision of the Constitution that "all duties, imposts, and excises shall be uniform throughout the United States" applies to Puerto Rico. In other words, whether Puerto Rico is now a part of the United States. That is all there is about it, although the discussion has taken a very much larger character and covers a very much wider field. I am not disposed to be at all dogmatic about it. I may not be right. I have tried the best I could to get right upon this question. I began the study of it many months ago, and I have passed through every stage of conviction upon it, from the conviction that the Constitution did apply to the conviction which I shall endeavor to state to the House, and for which I shall give my reasons.

This much is clear. No amount of declamation upon that side of the Chamber or this side of the Chamber will alter the law. The dispute must be removed from this noisy tribunal and carried to the serene presence in yonder court room, where it will be decided and settled forever. One of the things that I think is of the greatest advantage in this bill is that it furnishes a speedy opportunity for obtaining a decision from the Supreme Court, a decision in which we shall all acquiesce.

My colleague [Mr. MCCALL] has relied upon two cases, in his report and again to-day in his remarks. I am not going to read from them, but I want to say a few words about them. The subject is threadbare, but I wish to call attention to one or two considerations that have not been alluded to.

In the first place, as to that oft-quoted dictum of Marshall in Loughborough *vs.* Blake. I am not sure whether my colleague agrees that it is a dictum. If he would go to the original record and find the agreed statement of facts upon which the case was tried, he would find that it closed with substantially these words:

> If the direct tax levied was levied lawfully under the Constitution, then there is to be judgment for the defendant.

There was no question about uniformity of tariffs, no question about duties, imposts, or excises. The question which I have stated was the question which was presented to the court, and the only question decided by the court. The other utterance was a dictum. Nobody in the world has ever pointed out the dangers of a dictum better than the great Chief Justice himself when, in the case of Cohen *vs.* Virginia, he tells us that it—

> ought not to control the judgment * * * when the very point is presented for judgment.

But there is one thing more about that dictum to which I desire to call the attention of the House. The case was argued on Tuesday morning, March 7, and was decided at the opening of the court on the following Friday morning, March 10. That is all

the consideration this great constitutional question then received from the court. A dictum expressed under those circumstances will not control my judgment upon a question which affects the destinies of 75,000,000 American citizens. I will not under the authority of such a dictum as that concede that the ten or twelve million Filipinos, with their eighty or ninety tribes, have already come to share my birthright as an American citizen.

That is the first authority upon which the gentleman relies.

The next is the case of Cross *vs.* Harrison. It is well for us to understand the historical relation of this case to a chain of causation which began with an utterance of Calhoun in the Senate and ended with the Dred Scott decision, nay, even ended with the civil war.

Calhoun, in the interest of slavery, had declared that the Constitution extended of its own force over the Territories of the United States, and that Congress had not the right to enact laws which would forbid any citizens of the United States from taking and holding therein his slave property which was protected by the Constitution as all other property was protected. This, as everyone knows, was the doctrine of Chief Justice Taney in the Dred Scott case, and led to the declaration that the Missouri compromise was unconstitutional. After the ratification of the treaty of peace with Mexico, which brought with it a large acquisition of territory, in the last days of the session of 1847–48 an amendment to an appropriation bill was offered which, while providing a scheme of government for the ceded Territories, undertook in terms to extend the Constitution over them. In the course of this debate Calhoun asserted emphatically that the Constitution, as the supreme law of the land, extended over all the Territories of the United States. Upon this proposition Webster took issue with him.

The Calhoun doctrine—because there is where the doctrine originated, as the gentleman from Ohio [Mr. GROSVENOR] has so well shown—the Calhoun doctrine of the transmigratory power of the Constitution was adopted by the Polk Admistration. If you will read the report in Cross *vs.* Harrison you will see that Buchanan, the same Buchanan who predicted the Dred Scott decision a few days before it was announced and advised the American people to submit to it, in a dispatch quoted in the report, announced that doctrine, and that Robert J. Walker, the Secretary of the Treasury, announced that doctrine.

The military authorities in the Territory of California acted upon that doctrine, as they naturally would under the orders of their superiors; but the Supreme Court of the United States in Cross *vs.* Harrison did not obey those orders, and the case does not squarely decide in favor of the Calhoun-Buchanan-Walker doctrine, which has become the modern doctrine, that the Constitution of its own vigor extends over acquired territory. Now, then, the case of Cross *vs.* Harrison is already so familiar to you that I will not state the facts more than to say that it was an action to recover back customs dues which had been paid at the port of San Francisco before the collector authorized by an act of Congress got there. The only part of the decision to which I shall refer is that part which deals with those duties that were paid after the news of the treaty of peace reached California, and paid in accordance with the tariff laws of the United States, and it was held that they were properly paid.

Now, my friend said in his speech that in that case the court decided that any other method of levying the duties would have been inconsistent with this precise provision of the Constitution which we have under consideration. I do not so understand the decision. I glanced over the case while my colleague was speaking. The provision in question was not alluded to by the Attorney-General. It was not discussed by the court. I did not notice that it was mentioned, but I will yield to anyone who will point out an error here. But, on the contrary, what was decided was this, in the words of Mr. Justice Wayne:

> By the ratification of the treaty California became a part of the United States, and as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imposts and tonnage.

Bound and privileged by the laws, not by the Constitution. Then there follows a discussion of those laws, pointing out that they cover territory acquired as California was.

Mr. GAINES. Will the gentleman allow me to ask him a question?

Mr. MOODY of Massachusetts. I will.

Mr. GAINES. Did not the court expressly hold in the Cross-Harrison case that the position of the complainants, the importers, was untenable, inasmuch as the Constitution required that all duties should be uniform throughout the United States?

Mr. MOODY of Massachusetts. I do not so understand it.

Mr. BARTLETT. Will the gentleman permit me to ask him a question?

Mr. MOODY of Massachusetts. I will always yield to the gentleman, because I know he will not press upon me much.

Mr. BARTLETT. I want to call the attention of the gentleman to the fact that the duties in that case were levied by the military governor while California was under military rule, and not only while it was under military rule, but they were taxes enacted by the military commander himself, and after the ratification of the treaty the court said that these taxes should be levied under the acts of the United States levying the tariff tax in 1790.

Mr. MOODY of Massachusetts. I understand it exactly as the gentleman from Georgia does, and there was no discussion of the purview of the Constitution of the United States. The only question was whether the laws of the United States applied; because, as the court said, California by the treaty had become a part of the United States. Now, I agree that California by the words of the treaty had become a part of the United States, and I am going to point out the reasons for so agreeing. This requires me to cite the provisions of the treaty bearing upon that question. In Article VIII there is this provision:

> * * * Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States. But they shall be under the obligation to make the election within one year, * * * and those who shall remain * * * after the expiration of that year without having declared their intention to retain their character as Mexicans shall be considered to have elected to become citizens of the United States.

Article IX is verbatim Article III of the Louisiana treaty, and in effect is the same as that of the Florida treaty, and is as follows:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

Article VIII uses this suggestive language:

> Territories which by the present treaty are to be comprehended for the future within the limits of the United States.

And Article XI language of like import, in the following words:

> Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States.

It must not be forgotten that the treaty was not one of cession, but in form one of delimitation, proceeding upon the pretense that the boundaries of the two Republics were to be fixed.

It seems clear, then, that there was ample warrant in the terms of the treaty itself for the court to say that California had become, by the treaty, a part of the United States. If words could make it such, it had so become.

Mr. TONGUE. Will the gentleman permit me to ask him a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. TONGUE. Do I understand that the decision to which the gentleman has referred was upon the construction of the Constitution or the application of the laws of the United States?

Mr. MOODY of Massachusetts. I understand the decision not to be upon the construction of the Constitution, but that the laws of the United States for the collection of duties on imports extended to California as a part of the United States.

Ms. LITTLEFIELD. Will the gentleman permit me to ask him a question?

Mr. MOODY of Massachusetts. I will.

Mr. LITTLEFIELD. Did the court in the Cross and Harrison case put its decision, in any part of its reasoning, on the ground you have just suggested?

Mr. MOODY of Massachusetts. Yes. I read: "By the ratification of the treaty California became a part of the United States;" and as there is nothing different stipulated in the treaty, it became instantly bound and privileged—what by? The Constitution? No. "Bound and privileged by the laws which Congress had passed."

Mr. LITTLEFIELD. Did the court, in its opinion, base its conclusion on the language of the treaty that you have quoted? If so, please read from the opinion.

Mr. MOODY of Massachusetts. I have not said that it did. The treaty was fresh in everybody's mind. Every line of it had been published throughout the country. The decision was only a few years afterwards. I quote from the treaty of Paris, but I do not quote the exact language, because I know that everybody is familiar with it.

Mr. BARTLETT. I know the gentleman from Massachusetts does not want to create any misapprehension, and will he allow me to correct a statement of his, unintentionally made, I have no doubt?

Mr. MOODY of Massachusetts. Yes.

Mr. BARTLETT. The gentleman stated that there was nothing in this decision which did more than to mark out the line or boundary between the ceded territory.

Mr. MOODY of Massachusetts. No; I did not say in the decision. The gentleman misunderstood me.

Mr. BARTLETT. I want to call his attention——

Mr. MOODY of Massachusetts. There is no correction.

Mr. BARTLETT. I wish to call the gentleman's attention to what was said in the decision. On page 190 of that decision the

court said that after the ratification of the treaty of peace California became a part of the United States——

Mr. MOODY of Massachusetts. That is just what I said; the particular terms of this individual treaty made the territory a part of the United States. The Cross and Harrison case stands upon that ground, and not upon any constitutional ground whatever. I thank the gentleman from Georgia for the confirmation.

Mr. GAINES. Will the gentleman from Massachusetts yield to me? I have the Cross and Harrison opinion now——

Mr. MOODY of Massachusetts. No; the gentleman from Tennessee knows that I do not wish to be discourteous, but I can not have all my time taken up by interruptions.

Mr. GAINES. We will have the gentleman's time extended.

Mr. MOODY of Massachusetts. I do not want my time extended. I want to finish as fast as I can. As I said, I am hardly able to go on with the discussion.

The third authority relied upon by my colleague in his report and the last, barring the dictum of Justice Curtis, with which I have no dispute, is the speech of Daniel Webster in the Senate. I was glad to see that my colleague [Mr. MCCALL] did not recur to that speech again. I wish he had said that he was mistaken in quoting Webster on that side of the controversy upon which he quoted it. I have read every word of that speech of the 23d of March, and it has absolutely nothing to do with this subject. The words taken at the end of that speech, and made to bear the interpretation which my friend gives to them, have altogether a different meaning when read with the whole of the speech. If anybody has any doubt about it, go to the RECORD and read the speech. Daniel Webster all his life long was against the theory that the Constitution of its own force extended to any of our Territories. Again and again he asserted his deliberate convictions upon this subject. If he could to-day hear himself quoted by a son of Massachusetts upon this floor in support of a doctrine which he resisted with all the power of his mighty intellect, and which he despised and hated as the black spawn of slavery, he would turn in his lonely grave in Marshfield at the agony of the thought. [Applause on the Republican side.] Webster can be placed upon but one side of this controversy, and that side is our side. [Applause.]

A good deal has been said about the jury cases, and I want to say a word about them grouped together. There are six of them, beginning with the Iowa case in 1850 and ending with the Utah case in 1898. One relates to Iowa, then a Territory, and one to the District of Columbia, and four to Utah. It is to be noted that in the Iowa case a provision of the ordinance of 1787, which I read earlier in my speech, was extended to that Territory in the organic act, and that that is the ground of the decision, or one of the grounds of the decision, by the court. In the District of Columbia, sneer, as my colleague [Mr. MCCALL] will, the thought that that Territory was once a part of a sovereign State and that no one had any idea of stripping it of the benefits of the Constitution is not to be despised. It is further true that by the act of Congress passed long before the case of Callan against Wilson the Constitution was expressly extended to the District of Columbia, as if to remove any doubt on the subject.

Utah was acquired very largely under the treaty with Mexico, and what was not acquired under the treaty with Mexico must have been as a part of Louisiana. I have read the provisions of both treaties. The provision in the Mexican treaty, in effect, was that the territory should be incorporated into the Union; that its inhabitants should become citizens of the United States, unless within one year they declared their purpose to retain their allegiance to Mexico. Further than that, in the organic act of Utah, the Constitution and the laws of the United States not applicable were extended by Congress in 1850, many years before these questions were determined by the Supreme Court of the United States.

I am disposed to concede that where territory is acquired under a stipulation that it shall in the future become a part of the United States, and that its inhabitants shall be citizens of the United States, and as soon as possible be admitted to the privileges and immunities of citizens of the United States, and thereafter, in pursuance of that stipulation, Congress extends these privileges and immunities to it by incorporating it in express terms within the territory covered by the Constitution—I am disposed to concede, I say, that a person within territory which can be thus described can put his hand upon the privileges of the Constitution and say: "They are mine. You gave them to me; you stipulated that I should have them when you acquired the territory in which I live. And in pursuance of your obligation and that stipulation by solemn law you extended them to me." But our new possessions present no such question as this. Let us contrast them with all others which came before.

In every other acquisition of territory made, with the possible exception of Alaska, there were in effect these two provisions: That the inhabitants of the territory should be incorporated within the Union of the States and should become citizens of the United States. But the treaty with Spain marked a change of policy—as great a change of policy as was ever made by a nation. I propose to consider that. But before doing so I desire to state one fundamental proposition. I can not stop to cite the authorities for it. I believe that in dealing with foreign nations this nation has all the sovereignty which any nation on earth has. It may do anything by a treaty that any nation—England, France, or Germany—can do.

With the exception of authorizing what the Constitution forbids, or a change in the character of the government or in that of the States, or the cession of any portion of the latter without its consent, in the words of Mr. Justice Field, in Geofrey *vs.* Riggs (133 U. S., 258):

> It is not perceived that there is any limit to the questions which can be adjudged touching any matter which is properly the subject of negotiation with a foreign country.

Though this is a government of limited powers, it is supreme within its own limits. In dealing with foreign nations and acquiring from them territory by treaty our nation has all the sovereignty which any other nation has. There is no limitation upon our power. We may acquire territory for whatever purpose we please. We may acquire it for a naval station or for a sovereign State. We may do anything in our foreign relations from making a mere treaty of alliance up to the consolidation of territory as a State, as we consolidated Texas. Our history furnishes many examples of the exercise of this unlimited sovereignty.

The Monroe doctrine itself is nothing but a manifestation of supreme, sovereign, unlimited power. It is a species of protectorate over the Western Hemisphere; and yet some of the constitutional interpretations heard upon this floor would deny us the right to maintain the Monroe doctrine. We have exercised a protectorate over Samoa for many years. We have another arrangement there now, I believe, within a few days. I do not know exactly what it is. We have established consular ports, acquiring the right to do so by treaty, in semibarbarous lands. We have in the Revised Statutes a general provision of law which allows a citizen to acquire by discovery guano islands. We have about sixty of those islands in our possession. How do we hold them? No one but ourselves has any sovereignty there. We hold them as appertaining to the United States, not as a part of the United States. We hold them only for such time as the political department of the Government shall deem to be proper.

We have the Indians in our midst—a dependent, domestic nation, in the delicate language of Marshall. We have Cuba. To-day we exercise in Cuba every right of sovereignty which exists—exercise it as a trustee, I agree, but we are exercising it; we are the sovereign of Cuba to-day; and who contends that the Constitution has gone there?

I would like some of our friends on the other side to tell me how, if the Philippines are a part of the United States and under the Constitution, Mr. Bryan is going to exercise that protectorate over the archipelago which he has proclaimed as the policy of the Democratic party. One would think that the spectacle of one part of a great country maintaining a protectorate over another part of that same country would be somewhat ludicrous.

Mr. PIERCE of Tennessee. How does the gentleman answer the fact that we have already a protectorate over the Sultan of Jolo? I ask him, in view of the position he has just taken, how he answers the fact that President McKinley approved a treaty with the Sultan of Jolo, of the Sulu Islands, in which an American protectorate is expressly provided for, including the Sultan's 300 wives, slaves, and so forth?

Mr. MOODY of Massachusetts. I am the most unfortunate man in the world in not making myself understood upon the other side of the House. I say that we can exercise a protectorate; that we can do anything whatever in our foreign relations that any other sovereign nation can do. We can acquire just as much or just as little dominion over any other part of the earth's surface as we may determine to be wise and necessary. What I did say is that I should like to have those gentlemen who say that the Philippine Archipelago has become a part of the United States and that the Constitution has extended itself over that archipelago—I would like to have those gentlemen reconcile such a view with Mr. Bryan's theory that it is the duty of this Government to exercise a protectorate over that archipelago.

Mr. WILLIAMS of Mississippi. Will the gentleman permit me to do it?

Mr. MOODY of Massachusetts. Yes; I will. I want to know.

Mr. WILLIAMS of Mississippi. The answer is very easy. If they are a part of the United States, then we can not exercise a protectorate. If we do exercise a protectorate, they are not a part of the United States. [Laughter on the Republican side.]

Mr. MOODY of Massachusetts. Mr. Chairman, I understand the gentleman from Mississippi to say that if they are a part of the United States we can not exercise a protectorate. I understand him and everybody else upon that side to say that they are a part of the United States, and the problem still troubles me to know how Mr. Bryan is going to exercise his protectorate in case the Democratic doctrine is the true one.

Mr. WILLIAMS of Mississippi. I do not admit that they are now a part of the United States. The treaty of Paris says that we are to determine their "political status"—i. e., their relation to us and their international relation. We can determine it by declaring them independent, or independent with a protectorate, or by declaring them a part of the United States. But if they were a part of the United States, the moment you established a protectorate they would cease to be a part of the United States. [Applause on Democratic side and laughter on Republican side.]

Mr. MOODY of Massachusetts. By establishing a protectorate we can make them cease to be a part of the United States if they have become so under this treaty! Now, just look at the statement of the gentleman from Mississippi—because I always respect what he says upon this floor.

Mr. STEELE. But he is not serious now.

Mr. MOODY of Massachusetts. See the subterfuges to which he is compelled to resort to reconcile that which is irreconcilable. You can not reconcile the position of Mr. Bryan with regard to the protectorate with the position of the Democratic party that these islands are part of the United States and entitled to every constitutional privilege to which every other American citizen is entitled. If you admit that they are not yet a part of the United States, that is all I am contending for.

Mr. WM. ALDEN SMITH. They do not try to reconcile those two statements.

Mr. WILLIAMS of Mississippi. Will the gentleman permit me another interruption, and then I will not trouble him further. I call his attention to the decision in Cross *vs.* Harrison.

Mr. MOODY of Massachusetts. Yes, I will.

Mr. WILLIAMS of Mississippi. Very well. The court says:

> It was urged that our revenue laws covered only so much of the territory of the United States as had been divided into collection districts, and that out of them no authority had been given to prevent the landing of foreign goods or to charge duties upon them, though such landing had been made within the territorial limits of the United States. To this it may be successfully replied that collection districts and ports of entry are no more than designated localities within and at which Congress had extended a liberty of commerce in the United States, and that so much of its territory as was not within any collection district must be considered as having been withheld from that liberty.
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> The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed, it must be very clear that no such right exists and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation "to take care that the laws be faithfully executed."
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> The acts of the 20th of July, 1790 (1 Stat. L., 130, chapter 30), and that of 2d of March, 1799 (1 Stat. L., 627, chapter 22), were also of force in California without any special legislation declaring them to be so.

Mr. MOODY of Massachusetts. I hardly think I am keeping my promise to the House not to read from some cases if I permit the gentleman to do so. But I still adhere to all the important part of my statement, though in the statement which is not so important, that the uniformity provision was not referred to, I was in error. It was not discussed.

Mr. GAINES. That was the point I had in mind when I called your attention to the fact that you had misconstrued the case of Cross *vs.* Harrison—that is, that portion just read by the gentleman from Mississippi.

Mr. MOODY of Massachusetts. Mr. Chairman, I propose to take but little more of the time of the House. When carried back by an interruption to a former part of my argument, I had reached this point: I had shown that all the territory acquired by the United States before that acquired through the treaty of Paris was acquired under stipulations which in effect provided that the inhabitants should be incorporated within the Union and should become citizens of the United States. I had attempted to show that the nation, with its full sovereignty, had the right to acquire territory for any purpose or in any way it chose and had given several examples of sovereignty exercised over territories which it would be conceded are not parts of the United States. The question is now, By what kind of a title did we acquire territory in the treaty of Paris? I said that there was a marked change of policy, and in support of that statement I desire to call the attention of the House to Article IX of the treaty. The material part is as follows: After providing that the subjects of Spain may by declaration preserve their allegiance to the Spanish Crown, the article provides that "in default of which declaration, they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. The civil rights and political status of the native inhabitants of the territories ceded to the United States shall be determined by the Congress." Compare this with the Mexican treaty. On their failure to retain their Mexican citizenship, the inhabitants of the territories "shall be considered to have elected to become citizens of the United States."

Mr. COCHRAN of Missouri. I should like to ask the gentleman a question.

Mr. MOODY of Massachusetts. Right on that point, I presume?

Mr. COCHRAN of Missouri. Yes. What will be the nationality of this Territory when we definitely take it under civil control and exercise civil jurisdiction over it?

Mr. MOODY of Massachusetts. That depends upon what we desire to do, what we may do. I have no doubt that in time I will say to my friend, Puerto Rico will become American soil completely, and that its inhabitants will become American citizens; but I have some doubt whether the Philippine Archipelago will become completely American soil and its people become American citizens.

Mr. COCHRAN of Missouri. Is it true, then, as a result of the war against Spain, that the Filipinos lost citizenship of any nation and became merely waifs, with no citizenship?

Mr. MOODY of Massachusetts. No; they become just what the treaty says they become, and the language is plain. They have the nationality of the territory in which they reside. That is a nationality that is perfectly clear. They are Filipinos. They are not Americans. The inhabitants of Puerto Rico are Puerto Ricans, just as the inhabitants of Australia are Australians, and not Englishmen, although they owe a paramount allegiance to the British Crown, just as the inhabitants of Canada are Canadians, and not Englishmen, although they owe a paramount allegiance to Her Majesty.

Mr. COCHRAN of Missouri. If they are not of American nationality, if the islanders are not of American nationality, where do we get authority to legislate for countries not a portion of American territory?

Mr. MOODY of Massachusetts. We get authority in the provision of the Constitution which authorizes us to make all needful rules and regulations for Territories "belonging to the United States," and we get a further authority, recognized over and over again by the Supreme Court, in that having acquired property we have the implied right to govern it by the plainest principles.

Mr. COCHRAN of Missouri. Does the gentleman know that the Supreme Court has said that that clause of the Constitution had reference to the Northwest Territory after it was ceded to the United States?

Mr. MOODY of Massachusetts. I know, Mr. Chairman, that Chief Justice Taney, the only man who ever said it in the world, said it in the ignominious source of authority to which in the end those upon the other side of this question always go, the case of Dred Scott *vs.* Sandford. That is the only case in our whole jurisprudence which I now recall in which that has been said.

Mr. COCHRAN of Missouri. I will ask the gentleman if that case has ever been reversed or criticised? [Derisive laughter on the Republican side.]

Mr. MOODY of Massachusetts. I think it has been criticised. It was criticised for about four years, and at the end of that time the American people supposed that it was overruled. [Applause on the Republican side.]

Mr. COCHRAN of Missouri. I will ask the gentleman again if that case has ever been criticised by any court in the United States?

Mr. MOODY of Massachusetts. I do not think any judge of the Supreme Court has ever taken any notice of it from that time to this—that is, of that part of which we complain.

Mr. COCHRAN of Missouri. I notify the gentleman that at the very earliest opportunity I will refer him to at least twenty leading cases in this country in which the Dred Scott case has been quoted.

Mr. MOODY of Massachusetts. Mr. Chairman, the gentleman will notice the qualification I make. Of course it has been referred to; but that part of it to which the gentleman alludes, of which we complain, the main part of the controversy between Curtis and Taney, the gentleman never will find that alluded to, with approval, at least, by any judge of any court.

Mr. COCHRAN of Missouri. Has it not been quoted by the Supreme Court of the United States in deciding that in the Territory of Utah laws authorizing juries to render majority verdicts were unconstitutional?

Mr. MOODY of Massachusetts. I know it has been cited again and again, but what I say is that it has never been cited to sustain the proposition which my friend has announced upon the floor. It may be that I am wrong.

Mr. COCHRAN of Missouri. It never has been cited for any other purpose—— [Cries of "Regular order!"]

Mr. MOODY of Massachusetts. Mr. Chairman——

Mr. BARTLETT. I want to make this suggestion to the gentleman.

Mr. MOODY of Massachusetts. I yield to the gentleman.

Mr. BARTLETT. The gentleman referred to the treaty of Paris in reference to the claim of a citizen. Now, I want to ask the gentleman if this treaty does not confine that to native-born residents of Spain, or rather residing in that island, by that section of that treaty?

Mr. MOODY of Massachusetts. I can not say.
Mr. COOPER of Wisconsin. It does not.
Mr. BARTLETT. The gentleman made a statement.
Mr. MOODY of Massachusetts. I said nothing to the contrary. I said, if the gentleman will permit me to make myself clear, that in the treaty with Mexico the provision was that in case those who owed allegiance to Mexico did not renounce that allegiance within one year they were to remain American citizens. In this treaty the provision is different. The Spanish subjects, if they do not renounce allegiance, are to remain of the nationality of the territory in which they reside.
Mr. BARTLETT. That is confined to the native born in the Peninsula and does not extend to all.
Mr. MOODY of Massachusetts. I did not say that it did; but I say that the treaty established a new citizenship in the territories. It created a separate political community with a citizenship of its own, though the community and its citizens owe a paramount allegiance to the United States. We have not far to seek to find a political relation exactly like this. The Indian in his tribal relation is subject to the jurisdiction of his tribe, but owes a paramount allegiance to the United States. Did the care of our commissioners at Paris avail nothing? They not only scrupulously avoided making the inhabitants of the territories citizens of the United States or promising them citizenship, but to make assurance doubly sure they created a new citizenship—citizenship in the territories themselves. Far from promising them incorporation into the Union, they provided that the civil rights and political status of the inhabitants should be settled by Congress. How can words be broader than these? The complete relation of these people to the United States is in the hands of Congress. That is what the President meant when he said in Boston that the solution of this problem lay with Congress. The territories are not yet a part of the United States. Their people are not yet American citizens. They may become so in the future. It will be for Congress to say. Our present duty is to teach them to bear the burdens and appreciate the benefits of local self-government. It would be in the highest degree unwise if we periled that great result by mistakes in the beginning and attempted to impose upon the people a Constitution which was drawn and adapted to other parts of the world, to other people, and to other stages of civilization.

A single word and thought more and I am done. I have no prepared peroration by which I can evoke the applause of this House any more than I had a prepared speech. I can not restrain my indignation when I hear on that side of the Chamber that we who hold a particular view upon a disputed question of Constitutional law for that reason desire to enter upon a career of tyranny over peoples whose destinies are put by God Almighty under our charge. I deny the charge. Because we do not believe that the Constitution of the United States extends over these islands as a part of the United States, it does not follow that we would deny to them any of the fundamental rights of a free people which the Constitution insures to us. If they have not the safeguards of the Constitution, they have the conscience of the American people and are protected, in the words of a great judge, by "the spirit of the Constitution, from which Congress derives all its powers."

Whether they have the Constitution or no, they may be assured that so long as the light of liberty and freedom shines over our domain they will never be denied one of those great fundamental personal rights so long as we shall enjoy and cherish those rights for ourselves. [Loud applause on the Republican side.]

The CHAIRMAN. The gentleman from New Jersey is recognized for fifteen minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I feel difficulty in addressing this committee after the speech that has been made by the gentleman from Massachusetts [Mr. MOODY], a speech that ought to be written in our hearts. It is not to the law of this matter that I should address myself; for wiser lawyers have spoken on that subject. But I want to say to this House that there is no calamity that they could impose upon Puerto Rico or upon those people equal to the failure of this bill.

Puerto Rico is our ward; it is for its people we are legislating. It is to give them such financial conditions as will allow them to have peace and prosperity, and to wish to be within the limits of the United States; and, to my mind, the alternative proposed of giving free trade to Puerto Rico would be an unspeakable wrong to them. I say this without the less hesitation because my first impressions were in that very direction of free trade. The extension, through annexation of Puerto Rico as a part of the United States, to it of the Dingley tariff means, necessarily, that we also extend to them our internal revenue. No man can deny that. Otherwise they could distill liquor or make cigars, and make the things which are under our internal revenue, and could send their products free of duty into the United States.

But to extend the excise law to them means that all small manufactories should be closed and that hundreds of people should be put out of business. It means that these poor people, for they are poor, could no longer smoke cigars, because the price would be so much increased. There is not a witness who does not say that the imposition of these excise taxes would be absolutely impossible in Puerto Rico, and for that reason this bill does not impose them. Free trade means more to this island. Its people have lived without machinery, without organized manufactories.

Small trades, like those of the shoemaker, the tailor, and the furniture maker, such as used to prevail with us, are there still supplying the wants of the people. All at once they would be subjected to the competition of great manufacturing industries which have almost driven these trades from without our midst and would drive them out from their island. We have welcomed the development of manufacturing in spite of that result. Our tradesmen have done better; the shoemaker became the shoe manufacturer, the tailor becomes a merchant tailor or engages in large manufactories. Our Eastern farmer, who finds that the railroads have made his farm unprofitable, moves to the West, where farming pays.

Our Eastern manufacturer, if his materials become too expensive, goes where those materials are cheaper. The American can move everywhere, but the Puerto Rican is not an American. He speaks Spanish; he is partly of Indian blood. He can not or will not come to this country, and any measure which would put that little island immediately under the unrestricted competition of our great manufactories and drive out its small tradesmen would be an injury that we have no right to inflict.

There is only one parallel case, and that was cited by the gentleman from Massachusetts [Mr. MCCALL], who spoke against the bill. It is Ireland. Let me ask what free trade has done for Ireland? Free trade for Ireland meant that England, the country which had the coal, the brains, and the organization, took the profits of an island that was turned into a poor farming country, on which its sister island held the title or the mortgage and from which it drew the rents. We do not mean to create this result in Puerto Rico.

With free trade between Puerto Rico and this country, whence is revenue to be got? Revenue is needed for roads and schools, such revenue as we always need for good government, for courts, and the administration of the laws. We can appropriate from the United States Treasury, but no one thinks that is a proper measure; or we can tax property there as we do here. Are we to increase the land taxes there upon a people whose plantations have been ruined by tornadoes? Or are we to increase a tax which they have already—the tax upon production? There every farm pays a certain proportion of its production to the Government. But this produce tax is the worst kind of tax in the world, because it makes an army of assessors all over the country; because it is the most susceptible to fraud; because it is the most susceptible to oppression; because it seeks for money when there is nothing but the crop upon the ground. If that crop be taken away, the expense of its being taken away is to come out, as well as the expense of the tax collector.

We will adopt no such measure. This bill says that Puerto Rico shall have what no State in this Union has ever had. It says, first, that these poor people shall have absolute freedom from the excise taxes of the United States, and from the tariff of the United States, so far as paying a single dollar into our Treasury. It says that they shall be treated as our friends. We do not ask them to contribute to our support or even to the repayment of what we have spent in the war which gave them good government. We reduce the Dingley tariff as against them by three-quarters.

We ask them only to do the same to us, and then we declare that the payments under the tariff shall not go into the Treasury of the United States, but go to the President for the benefit of the people of that island. Was ever so much generosity shown to any people? We give them just enough protection to maintain their own industries during the period of change, and we relieve them as far as we can from land tax or produce tax. [Applause on the Republican side.]

If the tariff that we lay on their goods is a tariff on their production, it is only when the goods have come here and are able to pay the tariff because at the market and the money is ready to pay for them.

And then we enact that the duties not only on goods that go to them but on goods that come here shall all go to the benefit of the island. This is what we have been told is tyranny!

What are we going to give the islands if we do not pass this bill? What are we to do for those people? How is the expense of their government to be paid?

Gentlemen come to me and others on this side of the House and talk of this measure of kindness as if it were tyranny. And they talk about the Philippines and ask, Will you do the same there? Still more, they ask whether the rights of personal liberty guaranteed by the Constitution shall not go to all the territories held by the United States? How are these questions incident to a measure providing simply for the raising of revenue for this country and for that island? There is a constitutional provision that

"all duties, imposts, and excises shall be uniform throughout the United States."

The provisions as to personal rights are not limited as to place. One says that the writ of habeas corpus shall not be suspended except in certain cases, and says nothing about territory. It may well be argued that the rights of a citizen of the United States go everywhere where the power of the United States may extend. But how has that to do with the question as to whether these people should be given relief to the extent of three-fourths from the tariff bar that now stands between us and them; that they shall be afforded at the same time a revenue for schools and for roads, and that they shall be absolutely relieved from all contributions toward the support of this Government?

Let us have no sympathy with mere verbal arguments on the subject of our control in the territories that we have received by the treaty with Spain. They are not beyond the pale of the great rights of liberty guaranteed by the Constitution. As soon as peace is established an inhabitant of those islands is entitled to the protection of his life and his liberty. But so far as the territory is concerned, this Government, through its Congress, has the power to acquire territory, and when it has been acquired it is the right of Congress, under the Constitution, even to dispose of or sell such territory.

Our control over the territory is absolute. If Congress can sell, it can control. It can tax. It can exercise the power of taxation as may be found right, and has the power to make all rules and regulations with reference to such property. There is no limitation on this power, except that taxes must be uniform throughout the States which are united and which contribute by uniform laws to the support of the United States Government while managing their own affairs. This territory is not contributing to the expenses of maintaining the United States Government. The United States is imposing taxes there for the purpose of maintaining the local government there; and it must have all the powers of a State in so doing.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. PARKER of New Jersey. Yes, sir.

Mr. FINLEY. In ordinary legal parlance, is not the term "rules and regulations" used as meaning provisions for carrying out some enactment of law? In other words, is there not a distinction between a law and what may be termed "rules and regulations?"

Mr. PARKER of New Jersey. In this particular article "rules and regulations" are spoken of as instruments of government, and therefore they are law.

Mr. FINLEY. Then I understand the gentleman to say that "rules and regulations" in the sense implied in this article mean law?

Mr. PARKER of New Jersey. I can not see how it can mean anything else, and I believe the courts have so held.

Mr. FINLEY. Has the gentleman any authority in support of that statement?

Mr. PARKER of New Jersey. I have plenty of authorities, but I have not the books at hand. The Supreme Court of the United States has often held that in the Territories under this authority to make rules and regulations Congress must make law.

Mr. FINLEY. Then, as I understand, the gentleman has no authorities.

Mr. PARKER of New Jersey. I have plenty of authorities, but I can not on the instant refer to the exact case. I have no books here.

Mr. GILBERT. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from New Jersey yield?

Mr. PARKER of New Jersey. Certainly.

Mr. GILBERT. Do you contend that Congress could incorporate a railroad company or a bank in Puerto Rico?

Mr. PARKER of New Jersey. Certainly.

Mr. GILBERT. Would that corporation become a citizen in the sense of the fourteenth amendment to the Constitution?

Mr. GROSVENOR. Not necessarily.

Mr. PARKER of New Jersey. I should say not.

Mr. GILBERT. Would it become a person in the sense of the fourteenth amendment?

Mr. PARKER of New Jersey. I should say not necessarily.

Mr. GILBERT. Does not the gentleman know that the Supreme Court has repeatedly held that corporations are persons within the sense of the fourteenth amendment?

Mr. PARKER of New Jersey. I believe so.

Mr. GILBERT. Would not that corporation be entitled to equal protection of the laws in Puerto Rico?

Mr. GROSVENOR. What decision of the Supreme Court is there on that subject since the adoption of the fourteenth amendment?

Mr. GILBERT. The case of St. Clair County against somebody. There are three or four cases in which the Supreme Court has held that a corporation is a person in the sense of the fourteenth amendment.

Mr. PARKER of New Jersey. I want to make one or two more propositions, and I do not think the gentleman's question is very pertinent to my argument. It is very easy to ask questions when a man is standing here without books, and it is not easy to answer them without the authorities at hand.

Mr. GILBERT. If this Congress——

Mr. PARKER of New Jersey. The gentleman is making an argument, and he is not on the point that I am referring to.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] is entitled to the floor.

Mr. PARKER of New Jersey. Something has been said about export duties. It was always supposed that export duties were duties levied upon goods because they were exported—that is to say, if a law should be enacted that in a certain State all of a certain class of goods leaving that State should pay a duty, that would be an export duty. On the other hand, if a State, by consent of Congress, were allowed to impose a duty on all goods coming into that State, that would be an import duty. Some of those goods would come from other States, but that would not make this an export duty on the goods coming from those States.

The provision of the Constitution was intended to prevent the imposition of duties on goods, on the classification and because they were exported. Here by this bill duties are levied on goods going into Puerto Rico, not because they are exported from anywhere, but because they are imported into that island. They are import duties, pure and simple.

The bill provides full Dingley tariff rates for goods coming from the rest of the world and one-quarter of those rates for goods from the United States. That is not the imposition of an export duty on goods coming from the United States. That is a reduction by three-quarters of the import duties in Puerto Rico because the goods come from the United States. The bill might just as well have said that full tariff rates under the United States laws shall be charged on all goods from wheresoever they shall come, with a rebate of three-quarters to be allowed to goods coming from the United States. The bill substantially orders an import duty with a rebate on goods coming from the United States.

Now, on that construction of the law we are not without a case exactly analogous. It is the case of Pace *vs.* Burgess. Pace made tobacco, and Burgess was collector. The law provides that there shall be a stamp tax on all tobacco of so much per pound, but that if the tobacco was to be exported it was to pay a much less rate per pound and that a different stamp, marking the tobacco for export, should be put upon the tobacco. The manufacturer went before the Supreme Court claiming that the tobacco was for export, that it was taxed so many cents a pound, and that therefore an export duty was being levied.

The court denied this claim, holding that while the statute imposed a tax on tobacco that was exported, it was really a rebate on a much larger tax on all manufactured tobacco, and therefore not an export tax, but a rebate of an excise tax. Now, just so in this case, when this bill says that there shall be a tariff imposed upon all goods coming into Puerto Rico, and then provides that import duty shall be much less if the goods come from the United States, it is not an export duty from the United States, but a rebate of an import duty into Puerto Rico.

It is idle longer to delay the House with questions of law.

Mr. BARTLETT. Will the gentleman permit me to ask him one question?

Mr. PARKER of New Jersey. Certainly.

Mr. BARTLETT. Do I understand the gentleman to claim that the Dingley law is now in force in Puerto Rico?

Mr. PARKER of New Jersey. By this bill the Dingley law is put into force in Puerto Rico, except that practically a rebate from the Dingley law of three-quarters is given on all goods that come from the United States.

In conclusion, only one word. It is idle to talk of law only. This is an intensely practical question. We must give some relief to these people. We must give them revenue; we must give them a reduction of the tariff; we must give them the means of getting a chance in the progress among nations. Unless that happens we might have revolution, and we shall certainly have poverty and discontent. This bill gives that relief, and we can not help appealing to every member of this House to support it. [Applause on the Republican side.]

[Here the hammer fell.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

THE SCHOONER BERGEN.

The SPEAKER announced a change of reference of the bill (S. 1243) for the relief of the owner or owners of the schooner *Bergen* from the Committee on Claims to the Committee on War Claims.

SPEAKER PRO TEMPORE AT EVENING SESSION.

The SPEAKER. The Chair desires to announce that the gentleman from Minnesota, Mr. MORRIS, will act as Speaker at the evening session.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 91. Joint resolution authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department—to the Committee on Printing.

Senate concurrent resolution No. 27:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the United States Commission to the Philippine Islands 1,500 copies of volume 1 of their report recently submitted to the Senate by the President—

to the Committee on Printing.

S. R. 77. Joint resolution authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899—to the Committee on Printing.

S. 62. An act granting a pension to Robert Black—to the Committee on Invalid Pensions.

S. 1769. An act granting an increase of pension to Henry Frank—to the Committee on Invalid Pensions.

S. 645. An act granting a pension to David Hunter—to the Committee on Invalid Pensions.

S. 677. An act granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis—to the Committee on Pensions.

S. 2742. An act restoring to the pension roll the name of Annie A. Gibson—to the Committee on Invalid Pensions.

S. 1419. An act to increase the pension of Annie B. Goodrich—to the Committee on Invalid Pensions.

S. 1228. An act granting a pension to Thomas Jordan—to the Committee on Invalid Pensions.

S. 239. An act granting a pension to Rhoda A. Foster—to the Committee on Invalid Pensions.

S. 241. An act granting a pension to Patrick Layhee—to the Committee on Invalid Pensions.

S. 1960. An act granting an increase of pension to Eli J. March—to the Committee on Invalid Pensions.

S. 1309. An act granting an increase of pension to Herman Piel—to the Committee on Invalid Pensions.

S. 1298. An act granting a pension to Capt. Oscar Taylor—to the Committee on Invalid Pensions.

S. 994. An act granting an increase of pension to Casper Miller, jr.—to the Committee on Invalid Pensions.

S. 2209. An act granting an increase of pension to Frederick Higgins—to the Committee on Invalid Pensions.

S. 1331. An act granting an increase of pension to Ellen C. Abbott—to the Committee on Invalid Pensions.

S. 2375. An act granting a pension to Mary A. Russell—to the Committee on Invalid Pensions.

S. 819. An act granting an increase of pension to Benjamin F. Bourne—to the Committee on Invalid Pensions.

S. 833. An act granting an increase of Pension to Henry Atkinson—to the Committee on Invalid Pensions.

S. 2622. An act granting a pension to Maria A. Thompson—to the Committee on Invalid Pensions.

S. 345. An act granting a pension to Catherine L. Nixon—to the Committee on Pensions.

S. 1250. An act granting a pension to Mrs. Hattie E. Redfield—to the Committee on Invalid Pensions.

S. 1251. An act increasing the pension of Celia A. Jeffers—to the Committee on Invalid Pensions.

S. 1254. An act granting a pension to Catherine E. O'Brien—to the Committee on Invalid Pensions.

S. 1255. An act granting an increase of pension to James M. Simeral—to the Committee on Invalid Pensions.

S. 2167. An act granting an increase of pension to Franklin C. Plantz—to the Committee on Invalid Pensions.

S. 2351. An act granting a pension to Joseph Q. Skelton—to the Committee on Invalid Pensions.

S. 2344. An act granting a pension to Alice V. Cook—to the Committee on Invalid Pensions.

S. 1194. An act granting a pension to John B. Ritzman—to the Committee on Invalid Pensions.

S. 1202. An act granting a pension to Sarah E. Stubbs—to the Committee on Invalid Pensions.

S. 1721. An act granting an increase of pension to Amos H. Goodnow—to the Committee on Invalid Pensions.

S. 1729. An act granting an increase of pension to Oliver J. Lyon—to the Committee on Invalid Pensions.

S. 320. An act granting an increase of pension to Allen Buckner, of Baldwin, Kans.—to the Committee on Invalid Pensions.

S. 1264. An act granting a pension to James A. Southard—to the Committee on Invalid Pensions.

S. 1265. An act granting a pension to Elender Herring, of Elsmore, Kans.—to the Committee on Invalid Pensions.

S. 1266. An act granting a pension to Jacob Saladin—to the Committee on Invalid Pensions.

S. 1268. An act granting a pension to Sarah R. Burrell, of Wichita, Kans.—to the Committee on Invalid Pensions.

S. 2441. An act granting a pension to Felix G. Sitton—to the Committee on Pensions.

S. 2432. An act granting an increase of pension to James A. Thomas—to the Committee on Pensions.

S. 200. An act granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home—to the Committee on the Public Lands.

S. 340. An act to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892—to the Committee on Pensions.

S. 1017. An act for the relief of John M. Guyton—to the Committee on Claims.

S. 3003. An act to amend an act entitled "An act to authorize the Grand Rapids Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899—to the Committee on Interstate and Foreign Commerce.

S. 2869. An act authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River at Nome City, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

S. 1931. An act to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River—to the Committee on Interstate and Foreign Commerce.

S. 2931. An act to incorporate the American National Red Cross, and for other purposes—to the Committee on Foreign Affairs.

S. 189. An act for the relief of the owners of the British ship *Foscolia* and cargo—to the Committee on Claims.

S. 779. An act for the relief of the Potomac Steamboat Company—to the Committee on Claims.

S. 793. An act providing for the adjustment of the swamp-land grant to the State of Wisconsin, and for other purposes—to the Committee on the Public Lands.

S. 1175. An act to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College at Florence, Ala.—to the Committee on the Public Lands.

S. 3129. An act granting an increase of pension to Henry McMillen—to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled joint resolution of the following title:

S. R. 55. Joint resolution authorizing the President to appoint one woman commissioner to represent the United States and National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may sit during the sessions of the House.

The SPEAKER. The gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, asks unanimous consent that that committee may be permitted to sit during the sessions of the House. Is there objection?

There was no objection.

And then, on motion of Mr. PAYNE (at 5 o'clock p. m.), the House took a recess until 8 o'clock p. m.

The recess having expired, the House, at 8 o'clock p. m., resumed its session and was called to order by Mr. MORRIS as Speaker pro tempore.

And then, on motion of Mr. LONG, the House resolved itself into the Committee of the Whole House on the state of the Union, for

the further consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico and for other purposes, with Mr. HULL in the chair.

Mr. WILSON of South Carolina. Mr. Chairman, the representative position of the President, as chief officer of the Republic, should carry with it exemption from abuse of the occupant. A representative government must offer that safeguard to the personalities of those who voice its power and authority and to its own position amongst the nations of the world. In what I shall have to say my remarks shall be addressed, not to the President, but to his policy, which is the policy of his party, than which he is neither better nor worse. Perhaps no President has ever more thoroughly represented or impersonated his party. Wheresoever it goes he goes; whatsoever it thinks he thinks; when in doubt as to what it thinks he goes West. There is never a shadow of variance between his sentiments and those of the national chairman of his party. They live and move and have their being together.

When he speaks his party speaks, except were subsequent developments disclose that he spoke too soon, in which event he follows in the wake of his party, as in the measure now under discussion. He will never veto the action of his party. His party will never do more than gently restrain him from falling into the pit. That is the political status of the Government. What the President and his leaders will to be done will be done. The minority in Congress is powerless except to register their protest and appeal to the country—the people who are the source of government.

We are here met with the bold assertion of the Administration and of the majority that criticism of their course while war is on is treasonable, as lending aid and comfort to the enemy. No greater advance toward imperialism and monarchical government will ever be made than will follow from the concession of that postulate. "The king can do no wrong" sounds strangely and harshly to American ears. The people are the rulers, and they are entitled to have the full light of truth thrown upon the administration of public affairs. It is one thing to support the Army wherever sent by the President as its commander in chief; it is another thing to condemn the policy of the President who sends it.

The sublime duty of the soldier is to obey orders. The country honors and cherishes him for his valor and devotion to duty. The minority has cheerfully voted for every dollar of appropriation asked for his maintenance, though protesting against the policy and the Administration which made it necessary. We shall continue to protest. Yes, more, we say to the world that never was there a more useless sacrifice of life than of the 2,000 brave boys who sleep in Philippine soil since the conclusion of the Spanish war and of the 20,000 Filipinos who have died fighting for their liberty against our flag of freedom.

Until this war is ended it is perhaps better that we do not pass judgment upon the righteousness of the cause of those against whom our soldiers are now contending in the field. It is, however, not only proper, but necessary, that the attention and sentiment of the country be aroused to an appreciation of the extent to which we have departed from our safe mooring in the Constitution and of the untried sea of imperialism to which we are heading, of what this Administration has done, is doing, and will do. It has brought us to the parting of the ways, and is ready and anxious to take the decisive step which will place this Republic and its destiny alongside of Great Britain—"His Excellency the President of the United States and Emperor of the Philippines and Sulu" hand in hand with "Her Majesty the Queen of Great Britain and Empress of India."

Mr. Chairman, when at our doors the cry came to us from starving Cuba to come to the rescue, the minority fruitlessly sought to obtain for her recognition wherewith she might liberate herself. When 266 of our sailor boys, asleep under the flag in Habana harbor, were foully murdered by treacherous Spain, nothing but war could mete the full measure of a people's wrath and of infinite justice. Never was war more justifiable or necessary. It was for humanity, for liberty, and for justice. No mercenary or commercial motive controlled us.

We pledged the world when we went to war that it was for liberation, not for conquest. The war ended August 12, 1898. The treaty of Paris was signed December 10, 1898, and ratified by the United States Senate February 6, 1899. Its results were but beginning. Spain, the great colonizer of history, was driven from the American continent. Cuba was free, subject to our temporary military control and protection. Puerto Rico became ours, with the glad consent of its people. And the Philippines; what of them? Mr. Chairman, if the policy announced by the President is put into execution, generations yet unborn must tell the story of what the Philippines did for us. They did not enter into the cause of the war. They were as much without and beyond the horizon of our national life as is now Madagascar, New Zealand, or Cape Colony. Manila Bay offered no greater attraction to our cupidity than did Delagoa Bay. The wealth of the islands was no more alluring to us than were the countless millions in the mountains and valleys of the Transvaal. We were at peace and in amity with their people. The empire virus had not yet entered our veins. Naboth's vineyard was not yet within our vision. The beauty of the wife of Uriah the Hittite had not dazzled our senses.

Admiral Dewey sailed into Manila Harbor for the purpose of destroying the Spanish fleet. That accomplished, he remained there, awaiting orders, watching events, till the Spanish forces, some 12,000 in number, should be forced to surrender the city of Manila, their only possession on the island. Never in all that period did he assume an unfriendly attitude toward the Filipinos. On the contrary, he remarked to Clay Macaulay, "Rather than make war of conquest of these people, I would up anchor and sail out of the harbor." In his letter to Senator LODGE he states that he availed himself of the assistance of Aguinaldo as an ally.

The records of the Department of State conclusively show that Dewey and the Administration appreciated the importance of the Filipino general's aid and that they sought and obtained it. On April 24, 1898, Secretary Long telegraphed Dewey at Hongkong:

War has commenced between the United States and Spain. Proceed at once to the Philippine Islands. Commence operations at once, particularly against the Spanish fleet. You must capture vessels or destroy them. Use utmost endeavors.

On the same day United States Consul Pratt, at Singapore, had a conference with Aguinaldo, the result of which he telegraphed that day to Dewey:

Aguinaldo, insurgent leader, here; will come to Hongkong to arrange with commodore for general cooperation of insurgents against Manila if desired. Telegraph.

Dewey immediately replied:

Tell Aguinaldo come soon as possible.

He went two days later, taking 17 chiefs with him. They were carried in a United States ship and landed at Cavite, where Dewey furnished him with guns, ammunition, and stores to be used against the Spanish. Aguinaldo issued his proclamation to the Filipinos in these words:

Compatriots, Divine Providence is about to place independence within our reach. The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country. Rather blow your brains out than fire a shot or treat as enemies those who are your liberators. Where you see the American flag flying assemble in numbers. They are our redeemers.

On July 4, 1898, the American commander, General Anderson, wrote him:

I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

Two days later he wrote:

GENERAL: I would like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country.

He stated to Consul Pratt that his expectations for his people in consideration of their cooperation were, "that the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance, and he declared his ability to establish a proper and responsible government on liberal principles, and would be willing to accept the same terms for the country as the United States intended giving to Cuba."

His people enthusiastically responded. They rallied 30,000 strong; they cleared the interior of the island of Luzon of Spaniards by capturing 7,000 of them and driving the remainder into Manila, where they surrounded them with an intrenched line 14 miles long, extending from shore to shore, leaving no avenue of escape and nothing but surrender before them. They were herded, ready to be delivered to General Merritt, as they were on 14th, after a sham show of resistance. The protocol with Spain had been signed two days previously, but Merritt had not heard of it. But for Aguinaldo's assistance, possession of Manila would not have been obtained prior to the arrival of information of the protocol, and no plea of actual possession could have been presented by our commissioners at Paris.

Beyond question our war ships and soldiers would have eventually overcome the Spaniards and forced surrender, but the situation would have been different. Timely native assistance was of such value and importance to Dewey and Anderson as to be sought and welcomed by them. Our Revolutionary forces would have accomplished the surrender of Cornwallis even if the aid of Rochambeau's fleet had not forced his surrender at Yorktown; but our obligations to France were not thereby diminished.

Mr. Chairman, the country should know the truth as to the manner in which those services were requited by our Government; how the hopes of those 30,000 Filipino soldiers and of the people for whom they fought were cruelly dashed to the earth; how the party of greed and plunder turned the rejoicings of those simple, earnest people, who were then and always would have been our friends, into the bitterness and desperation of a people

maddened by what they regard as treachery and designed destruction of their liberties. The world has seldom seen a greater tragedy than the rude blasting of those cherished yearnings for liberty, the realization of which seemed already in their grasp; and by the order of the President of a Republic, whose inspiration has always been, and ever should be, the cry for liberty.

The world will yet know that it was not the voice of the nation, but of the party whose only idea of liberty is of that which adorns the almighty dollar; the party of special privileges, of monopoly, of trusts, of currency jugglers, of exactions from the masses for the benefit of the favored few, which will never hesitate to send the flag where spoils invite.

Manila had scarcely surrendered with its 12,000 soldiers, when General Otis ordered Aguinaldo and his men out of the city and away from its defenses, under threat of forcible action if he did not comply by the 15th of September, 1898. The order was obeyed under protest. It was even then the purpose of the President to appropriate the entire island. In August he had sent a special cablegram to Admiral Dewey, inquiring which was the most valuable of the Philippines and the most desirable to retain. The answer was "Luzon." Our commissioners to Paris were thereupon instructed by him to take Luzon. On December 31, 1898, he sent to General Otis this proclamation:

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris on the 10th instant, and as a result of the victories of the American arms, the future control, disposition, and government of the Philippine Islands are ceded to the United States. In fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands becomes immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

That was a declaration to the 30,000 Philippine soldiers then around Manila that their territory had been taken by the United States. Three days later he ordered General Miller to bombard and take Iloilo, 400 miles south of Manila. That was immediately followed by his general order to Otis that those who submitted to the authority of the United States would have protection and that those who should not would be forced to do so. The two armies remained in and around Manila. The President had engendered feeling betwixt them. The allies were by him estranged.

The battle of Manila, lasting from 8 p. m. of February 4 to 5 p. m. of the 5th, was a natural result of the conditions thus created by the President's orders. A Nebraska soldier killed a lieutenant of a Filipino patrol who did not understand or obey the command to halt, and the war began. It is not the Spanish war which Congress declared April 21, 1898. That war ended six months before. It is a war which Congress did not declare. It is the President's war—begun even before the ratification of the treaty under which he claims title. For let it not be forgotten that both he and Secretary Day assert and claim that our title to the Philippines is not by conquest, but by purchase from Spain.

The following day Aguinaldo sent an officer deploring the unfortunate incident, asking for a truce, and proposing to fix a neutral zone between the armies till the difficulty could be arranged. The reply of Otis was: "Fighting having once begun, it must go on to the grim end;" and upon the heels of that fateful reply has followed the sacrifice of the lives of more than 2,000 brave American soldiers. It is a monumental refutation of the assertion by the Administration that the war was unavoidable. It has never been so from the day of its inauguration. It is not so now. One declaration from the President or from Congress that local self-government shall be accorded them under American protection will terminate it. That is all they have ever asked.

The President has admitted that Aguinaldo says: "You can have peace if you give us independence." But Otis was speaking ex cathedra when he sent back the bloody answer: "It must go on to the grim end." The policy of the President is at one with that of Joseph Chamberlain in his unholy invasion of the Dutch Republic: "No peace till extermination or abject submission."

Mr. Chairman, two years ago those islands and their inhabitants were scarcely known to us. At no point did they touch the sphere of our existence. For centuries they have sought the enjoyment of life and pursuit of happiness and liberty in their own way, unvexed of Western methods and systems.

For more than three hundred years they have waged war with Spain for those rights which by our Declaration of Independence are inherent in all men, and have governed themselves to the world's satisfaction. Their last war with Spain terminated only as recently as 1896 on honorable and advantageous terms. Commander John D. Ford says:

The idea that the Filipino is an uncivilized being is a mistaken one. They have the intellect and the stamina to govern themselves and have done it for three hundred years, although under the rule of Spain.

Admiral Dewey stated to our peace commissioners:

In a telegram sent to the Department on June 23, 1898, I expressed the opinion that "these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Further intercourse with them has confirmed me in this opinion.

General Merritt says:

There are a number of Filipinos whom I have met, among them General Aguinaldo and a few of his leaders, whom I believe thoroughly trustworthy and fully capable of self-government. Aguinaldo, honest, sincere, and poor; not well educated, but a natural leader of men, with considerable shrewdness and ability, highly respected by all.

At the time our Army set foot upon Philippine soil the Filipinos had an organized government, with a president, a parliament, and a judiciary, acting with intelligence, decorum, and efficiency; and a military arm of 30,000 men, which army, as I have already stated, swept the Spanish army of Luzon into Manila, except the portion they had captured.

Now, then, what right had we to make war upon that people? Or, that being an existing status of our country in which our Government has placed us, and into which it would now be useless, even if advisable, to inquire, I will put it: Why shall we continue to make war upon them? The position of the President is that they are in rebellion or insurrection against the Government of the United States, and that it is his duty as the Chief Executive to suppress it with the Army and Navy. As they have never acknowledged allegiance to us, he bases his contention upon the purchase by us of the islands from Spain by the treaty of Paris, claiming that the people went with the territory.

"Rebellion" or "insurrection" presupposes the existence of a personal relation, as that of citizen or subject; it does not and can not convey the idea of a mere inhabitant or occupant. He says:

The Philippines are ours by purchase under the treaty of Paris.

That treaty did not undertake to sell the inhabitants. Section 10 is:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Congress has not been permitted to vote upon the subject. The only approach to such action was the McEnery resolution, which passed the Senate February 14, 1899, by the vote which had ratified the treaty the week before. I shall read it:

Resolved, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the United States.

By this resolution they attempted to nullify or avert the consequences of their conduct in ratifying the treaty without incorporating in it an amendment which would have fixed the status of those inhabitants so far as it lay in the power of the high contracting parties to do so.

It was the difference between "before taking" and "after taking." When about to enter upon war with Spain, in order to disarm the suspicions of Europe, we declared:

The United States disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island [Cuba] except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

A most righteous resolution, which has been a thorn in the flesh and a vexation of spirit to the Republican party ever since the war, because its hands are tied and prevented from subjecting the people of that island as they now purpose for the Filipinos.

Let us see how the President has kept the faith with the McEnery resolution, which committed his party so far as it was possible to do so. I shall read a few short extracts from his speeches delivered during his flying Western tour last October:

The Army and Navy have brought us new territory. There is no government in the Philippines but ours.

We have been adding some territory to the United States. In the providence of God, who works in mysterious ways, this great archipelago was put into our lap. That they will be retained under the benign sovereignty of the United States I do not permit myself to doubt.

He is a stranger to the noble sentiment of Daniel Webster that—

No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon the shoulders, if it is not imposed by the voice of his own nation and of his own country, he will not, he can not, and he means not to be happy under its burden.

He was also forgetful of his own better self when, ten years ago, he uttered these words:

Human rights and constitutional privileges must not be forgotten in the race for wealth and commercial supremacy. The government of the people must be by the people and not by a few of the people. It must rest upon the free consent of the governed and of all the governed. Power, it must be remembered, which is secured by oppression or usurpation or by any form of injustice is soon dethroned. We have no right in law or morals to usurp that which belongs to another, whether it is property or power.

From him, during this war, came too this sentiment:

I speak not of forcible annexation, for that, under our code of morals, would be criminal aggression.

It is now clear to every one, from his own statements, that he has no other purpose than forcible annexation, under the specious plea of purchase from Spain. What had Spain to sell as against the Filipinos? Nothing on earth except that which the Filipinos, at our request, aided us in taking from Spain. To assert that by that title we can oust them from the possession they had, which was practically the whole island, is to defy every principle of law, equity, and common honesty, and to invite the contempt of the world.

We certainly did acquire rights in the Philippines from the destruction of the Spanish power there and the release of the inhabitants from Spain's claim of dominion over them. But for that war the status quo ante would doubtless now exist in those islands. In the forum of the conscience of nations we undoubtedly acquired by our arms the right to enjoyment of a fair and just proportion of the results of the struggle. Yes, more. By our superior might and services we acquired the right to judge of the extent of our just demands.

But never at any moment or in any manner did we win by arms or obtain by purchase the right or power of disposition of the Filipinos themselves without their consent, or the right to declare them in rebellion or insurrection against a government to which they have never claimed or acknowledged allegiance. They are entitled to their independence, their rights of manhood. They declare that is all they ask. The President refuses to concede those rights. And so the war goes on. For what purpose, Mr. Chairman? For the unmistakable purpose of reducing the archipelago and making of it a colony of the United States. The spokesmen of the President in Congress have not concealed it.

That brings us face to face with as serious a governmental crisis as ever confronted this nation. Have we under the Constitution the power to establish and maintain colonies? Does the Constitution clothe the Government with imperialistic attributes and dominion? If it does, then for more than one hundred years our people have been in ignorance of the fact. If so, then the antagonistic policies of imperialism and of the Monroe doctrine find abiding places in our Government. According to Thomas Jefferson—

> Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs.

A sentiment which later on took definite shape and authority as the Monroe doctrine.

Imperialism reaches out from this continent, lays hold of Europe, Asia, Africa, or Oceania, and establishes there the flag of the Union, the insignia of our Constitution, our laws and our Government. Hitherto we have stood firmly to that position of Jefferson and Monroe. Central and South America are to-day secure under its unseen but potent protection. Within the past few years Venezuela was by it shielded and delivered from the world's great land-grabber. It has been the faith of our fathers, whose hope for their country's future was in the faithful adherence to its principles. Washington wrote:

> Why forego the advantage of so peculiar a situation? Why quit our own to stand upon foreign grounds? Why entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

The great Calhoun spoke in these words:

> That it would be contrary to the genius and character of our Government and subversive of our free popular institutions to hold Mexico as a subject province is a proposition too clear for argument before a body so enlightened as the Senate. You know the American Constitution too well—you have looked into history, and are too well acquainted with the fatal effects which large provincial possessions have ever had on the institutions of free states—to need any proof to satisfy you how hostile it would be to the institutions of this country to hold Mexico as a subject province. There is not an example on record of any free state holding a province of the same extent and population without disastrous consequences. The nations conquered and held as a province have, in time, retaliated by destroying the liberty of their conquerors through the corrupting effect of extended patronage and irresponsible power. Such, certainly, would be our case. The conquest of Mexico would add so vastly to the patronage of this Government that it would absorb the whole powers of the State; the Union would become an imperial power, and the States reduced to mere subordinate corporations. But the evil would not end there; the process would go on, and the power transferred from the States to the Union would be transferred from the legislative department to the Executive. All the immense patronage which holding it as a province would create—the maintenance of a large army to hold it in subjection and the appointment of a multitude of civil officers necessary to govern it—would be vested in him. The great influence which it would give the President would be the means of controlling the legislative department and subjecting it to his dictation, especially when combined with the principle of proscription, which has now become the established practice of the Government. The struggle to obtain the Presidential chair would become proportionably great—so great as to destroy the freedom of elections. The end would be anarchy or despotism, as certain as I am now addressing the Senate.

The great Webster said:

> In the part which I have acted in public life it has been my purpose to maintain the people of the United States what the Constitution designed to make them—*one people, one in interest, one in character*, and *one in political feeling*. If we depart from that we break it all up. Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukrane and the provinces in the Caucasus and Kamchatka by different codes, ordinances, or ukases. We can do no such thing. They must be *of us, part of us, or else strangers.*

Till this thirst for empire seized the present Administration no one contended that any people could be rightfully governed by this Republic except in such manner and for such period as should be necessary to prepare their territory for admission into the Union. Till now we have grown and expanded legitimately, grandly, and constitutionally. The country was singularly fortunate in being at those critical periods under Democratic Administrations. Jefferson saw that the Mississippi could not and should not remain the western boundary of the Republic. Beyond it, from Lake of the Woods to Balize, floated the Spanish flag. Our southern border was the thirty-first parallel. Between us and the Gulf lay the Spanish Floridas.

This is the story of our expansion: From Napoleon we purchased the immense, scarcely populated French possessions, extending from the mouth of the Mississippi to Montana. Then Oregon, Washington, and Idaho came to us by right of original discovery of Columbia River by Captain Gray, an American navigator, in 1792; by original exploration in 1805 and 1806 by Lewis and Clarke; by John Jacob Astor's settlement in 1810, and by cession from Spain by the treaty of Florida in 1819.

By the same treaty we secured the Floridas, though we paid dearly for it by agreeing to retire from the Rio Grande to the Sabine, thereby surrendering to Mexico the domain of Texas, which we did not regain till her annexation, with the consent of her people, in 1845. This was followed by the cession from Mexico of the remaining Mexican territory, California, New Mexico, Utah, etc., in 1848 and 1853. In 1867 Alaska came to us by purchase from Russia. We went from the Mississippi to the Pacific with $52,000,000 and the Mexican war. In all that vast domain the inhabitants, except tribal Indians who have always been and still are foreigners, became citizens of our Republic.

It is but fair to state that those treaties contained provisions for the admission of the inhabitants of the ceded territory to citizenship of the United States. But their right to citizenship was not derived from the treaties, but independently of them, from the Constitution, according to our Supreme Court, the final judge of the matter. Time will not permit me to do more than cite the leading authorities and state their conclusions. They are: Loughborough *vs.* Blake (5 Wheaton), the Dred Scott Case (18 Howard), Murphy *vs.* Ramsay (114 U. S.), Mormon Church *vs.* United States (136 U. S.), Slaughterhouse Cases (16 Wallace), Shively *vs.* Bowlby (152 U. S.), United States *vs.* More (3 Cranch), and Cooley on Constitutional Law, 169.

They establish these fundamental principles: That a power in the General Government to obtain and hold colonies as dependent territories would be inconsistent with the character of the Government; that the National Government is one of delegated powers granted and fixed by the Constitution, and no such power is conferred upon it; that new territory can be constitutionally acquired for but one purpose—the erection from it of new States; that the power granted Congress by section 3, Article IV, of the Constitution to make all needful rules and regulations for the government of Territories must be so construed as not to conflict with other provisions of that instrument, and that so construed it is but a power to prepare them for statehood; that in legislating for them Congress is subject to the fundamental limitations in favor of personal rights formulated in the Constitution and its amendments; that is, they must govern according to and under the Constitution; that the power conferred by section 8, Article I, of the Constitution upon Congress to levy and collect taxes and imposts, "which shall be uniform throughout the United States," is general and without limitation as to place and extends to the whole of American territory; that inhabitants of territory of the United States are citizens of the United States and under the protection of the Constitution, with all their civil and political rights secured to them; that when we annex a territory, whether by cession, treaty, or discovery, we annex its inhabitants, not as subjects, but as citizens; that (Slaughterhouse Cases) "inhabitants of Federal territories and new citizens, made such by annexation of territory or naturalization, though without any status as citizens of a State, could, nevertheless, as citizens of the United States, lay claim to every one of the privileges and immunities of citizens;" that it could never have been understood that any territory which should at any time come under control of the United States should permanently be held in a territorial condition. [Applause.]

So far as I have been able to find, those cases have never been overruled or modified. Those principles stand to-day as judicial decision and authority to our Supreme Court when the status and rights of the native inhabitants shall be brought before it for final adjudication. The treaty of Paris by which Spain ceded to the United States her claims to Puerto Rico and the Philippines contained this provision:

> The civil and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

The Administration has already determined upon the status which it wishes Congress to declare. The resolution introduced by the junior Senator from Indiana announced it:

That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

The adoption of that resolution, if it is adopted, will be defiance of the Constitution as interpreted by the highest court of the Union. It will be the pronunciamento of imperialism. It will mean for the Filipinos a government such as the people of India have at the hands of Empress Victoria. The Senator, fresh from his conferences with the President, announced it. The system proposed is this: An American governor-general in Manila; an advisory council with no power except to discuss measures with him; American lieutenant-governors in each province, with a like council about them; frequent unannounced visits of the lieutenant-governors to the districts and reports by them to the governor; an American board of visitors to the islands, with no power of interference, to report their observations to the Secretary of State of the United States; the establishment of a tariff discriminating in favor of our exports; the granting of franchises and concessions; American judges; no franchise to the people; and all backed by a sufficient United States Army.

It is framed after the Government of India by England, and is very like it. This war is being carried on in order that such government may be established by Congress under the Administration's treaty of Paris. Till then the President will maintain a military government, presumably upon that system, with a governor-commissioner, lieutenant-commissioners, and various and sundry executive underlings—a military despotism, pure and simple. Already he is selecting his officials for that purpose. His party is willing to leave him in sole possession of the situation, and this Congress will conclude its labors without being permitted to pass judgment upon it.

In that imperial government there can be found no place for or recognition of that immortal truth in our Declaration of Independence, "Governments derive their just powers from the consent of the governed." Rights and liberties guaranteed by the Constitution are denied by a President whose only power and authority are derived from that instrument. Such annexation is shameless, unconstitutional spoliation and confiscation. Listen to Benjamin Franklin:

Justice is as strictly due between nations as between citizens. A highwayman is as much a robber when he plunders in a gang as when single, and a nation that makes an unjust war is only a great gang.

If it be in the power of Congress to deprive them of the rights saved to them by our Constitution, is there any cause or reason for the exercise of it? Why should they be denied local self-government? They are better educated and qualified than the Cubans. For centuries they have managed to progress under Spanish oppression. Their persistence in struggling for liberty evidences their appreciation of its value. A people with such determination and longing for independence certainly has the capacity to exercise and enjoy it, or else history is all wrong. The Central and South American Republics, almost at our door, are convincing exhibits. Such government would not be suitable to a nation of our advancement and development, but it could be a structure far inferior to ours and still adequate for their aspirations.

But why should they be incorporated into the body politic of the Union? Surely not upon the plea of necessity, and yet any other plea is scarcely imaginable. We do not need them in our citizenship. They are not fit for it. By blood and centuries of racial inferiority they are not worthy or qualified to assist in the government of this nation. Their incorporation with our Republic would be to weaken and corrupt it. The experiment of ingrafting the negro upon our citizenship presents a lesson so recent, instructive, and ever present that no one seriously contends that the Filipino should become an American citizen with the rights and immunities pertaining to that high station.

The Administration scouts any such purpose. Consequences are indifferent to purposes. The moment those islands are by Congress declared to be territory of the United States the rights and privileges of American citizenship will vest in their inhabitants, and the Supreme Court must so hold. There will be no power under the law to prevent them from becoming residents of any portion of the Union. Our ports will be open to them. American labor will be brought in direct competition with the cheapest on earth. The corporations and trusts, which are the foster fathers of the party in power and of the Administration, will not hesitate to import and employ it whenever they have grown sufficiently powerful to defy public sentiment. They will be the beneficiaries at the expense of our labor and institutions.

As yet we are free from the curse of that affliction. It is true the Administration by its treaty did all in its power to annex the territory by buying the title of Spain and the war appurtenant to it; but Spain did not and could not deliver the possession, which was an essential part of the title. It is yet possible for the calamity of annexation to be averted from our people.

Even if it were possible, under our Constitution, to establish and maintain in those islands a colonial or proconsular government, it is not necessary to our commercial interests that we should do so. Spain fell from the pinnacle of power and glory amongst the nations of the earth to her present condition because of her colonial possessions, which were a constant demand upon her resources and a drain of the lifeblood of her sons.

England has not gathered wealth or glory or peace from hers. Colonial India is not an alluring type for us to imitate. We surely shall not wish to add to the horrors of man's inhumanity to man by matching England's average annual record of a million starving subjects with a proportionate number of miserable Filipinos. In 1898 her expenditures for British India exceeded the revenues by $35,000,000. In the Straits Settlements the deficit was $100,000.

Her share of the total commerce of British India was but 50 per cent and of the Straits Settlements only 14 per cent. An army of 200,000 men is required to hold the subjects under her dominion. The tropical climate creates heavy mortality and pension rolls. The net result to the Empire is pecuniary loss, the useless sacrifice of her soldiery, and the sullen enmity of 300,000,000 people. "No nation has ever been strengthened or enriched by colonial empire," is the statement of Historian Macaulay. How can we hope that a government by us of the archipelago by our viceroy and his satraps will have different results?

There are other and more far-reaching consequences of the empire experiment, of "leaving our own to stand upon foreign ground." We will have left the path of government in which we have grown and prospered as has no other nation that ever peopled the earth to enter upon a career of insatiate quest for foreign territory which may ultimately bring us into conflict in antipodal seas with the great navies of the earth. We will have magnified the power of the Executive far beyond the intendment of the Constitution and to the peril of our free institutions.

With the immense colonial patronage and power placed in his hands, his position of absolutism will differ from that of the Empress only in degree. It will be a government within our Government, conducted wholly by the Executive and entirely independent of the legislative and judicial departments. A Republic whose Government is based upon the foundation stone of the consent of the governed is to undertake the government, against their consent, of 10,000,000 Asiatics 7,000 miles distant. That is the proposition; not only the proposition, but the declared purpose of the Administration.

The people of this country will pay the cost. Already, in the Army item alone, this war of subjugation has cost us over $100,000,000. Our military expenses now are a half million dollars a day. The annual taxes per capita—because Federal taxation is practically a poll tax—have been increased $3 for every man, woman, and child in the Union. And the end is not yet. When one-half of our Army shall be withdrawn from Luzon, and only 30,000 soldiers left to keep the natives in "just and due allegiance," the cost of their maintenance per annum will be $50,000,000. In the light of England's experience in that tropical climate, at least one-third of that number will annually die or be withdrawn and will go upon the pension rolls, tier upon tier, till that item will exceed the annual budget for maintenance.

The expenses of the civil government will mount into the millions. Militarism will become the dominant feature of our Government. The liability of our becoming engaged in foreign complications because of our eastern possessions will furnish the ground and excuse for increasing the Army and Navy far beyond the proper requirements of the home Government. The "mailed hand" which has accomplished the overthrow of the republics of the past will for the first time have thrown its shadow across our pathway. One hundred thousand and more soldiers—consumers and not producers—will feed and fatten upon and imperil the liberties of the toilers of the nation.

Force bills will reappear in Congress. The ballot box will be cordoned with bayonets. The "strong arm of the nation" will be at the beck and call of the imperial President. The Constitution will be overridden by the "man on horseback." [Applause.] Ah but we are told this course is in line with America's destiny; that we must expand our commerce and enlarge the sphere of our national life. To this the reply has been made that no one has shown that we have exhausted our opportunities and commercial capabilities on the Western Hemisphere. But I am not inclined to so meet the proposition.

I believe that it is the part of statesmanship and for the best interests of this country that the trade of the East be courted, gained, held, and developed. Our industries should there obtain all possible consumption of their products. We should have the world for our customers, and we shall have when we remove the trade restrictions which our prohibitive tariff has imposed. With

one hand we shut our ports against the products of the nations and with the other we appeal to them to open theirs to us, that we may have the world for our market.

Light has at last come into dark places, and the Republican party has learned that, while an exorbitant tariff will force our own people to buy from manufacturers at the manufacturers' prices, that very system, pari passu, limits the consumption; the home market is not sufficient for them. They begin to realize that the wall which shuts the world out shuts us in. We are making progress, and we may reasonably hope that a few more years of commercial necessity will compel the liberation of American commerce from the exactions of our tariff barons.

We want and must have all the trade that can possibly be acquired in the East. We must clothe those teeming millions—such of them as wear clothes. Their ability to purchase depends upon their production. The Philippines are a part of that vast area. Their population is estimated at from ten to twelve million. Accurate enumeration of them or of the islands has never been made. Their commerce is anywhere between thirty and forty million dollars. In population and commerce they constitute about 2 per cent of the colonial systems in Asia.

If China, with its dependencies of Manchuria, Mongolia, Thibet, Jungaria, and east Turkistan, and the Russian states of Bokhara and Khiva are taken into the calculation, the Philippine population and trade are each less than 1½ per cent of the total. The British colonies, British India, Straits Settlements, Ceylon, Aden, Perim, and Australasia have a commerce (1898) of $1,470,000,000; the French colonies, French India, Cochin China, Cambodia, Annam, Tonkin, and French Oceania, $42,000,000; the Dutch colonies, Java, Sumatra, Celebes, Molucca Archipelago, and Riau-Lingga Archipelago, $154,000,000—a total of $1,666,000,000.

So do not let your Philippine fever mislead you as to the comparative value of the commerce of those islands. The trade of the East is most important; that of the Philippines cuts but a trifling figure in it. Their entire gross commerce will not amount to our annual expense and outlay in keeping them in subjection. Our trade with the East can not be reduced to the mere question of ownership or suzerainty of the Philippines. Our commerce with China and with the British, Dutch, and French colonies can not be affected by the relations existing between us and the Philippines. It is impossible to conceive how we can add a dollar to our exports to those countries by making subjects of the Filipinos. The sympathy of the East is not with us in that undertaking.

What we need is not possession of those islands of the sea, but an open door to Asia. That is important—immensely important—to us. Force or vast colonial possessions are not useful or necessary to open that door. It is not necessary that we hold and govern an archipelago of 1,200 islands in order to have a sufficient number of naval stations, properly fortified and garrisoned, for the protection of our commerce, the coaling of our ships, and the rendezvous of our men-of-war. As against the fleets of other nations, in event of war, they will be as adequate as possession of all the islands; far more so, because there will not be a weak or defenseless point in them.

With normal peace conditions and with simple business methods of underselling our competitors, we have within the past decade increased our commerce in the East more than threefold. And we are but at the dawn of our commercial intercourse with those people. They are our friends. Till this war of "benevolent assimilation," the peaceful, victorious march of our commerce was not disturbed or arrested by our war drums; our flag was the welcome messenger of the good will of our people to all the nations of the East.

We did not and we do not have to force the sale of our goods at the cannon's mouth. Till their suspicions were last year aroused by our war of aggression against the people of the islands of the sea, who were our friends, the Republics of Central and South America were steadily improving their commercial relations with us. They are not yet estranged, and we have the right to expect that the Nicaragua Canal, when completed, will, by the immutable laws of trade, annex to our commerce the immeasurable trade of those States without the firing of a gun or the seizure of a foot of territory. [Applause.]

China is the great customer of the East. She is our friend and will trade with us in ever-increasing volume. But one thing could have prevented her, and that was the closing of her ports by England, Russia, Germany, and France. If we are to undertake to guard against that interference by our war ships, our fortified harbors, coaling stations, and garrisons will be far more valuable and effective than the exposed coasts of hundreds of islands inhabited by an embittered and hostile people. No power in Europe wants war with us either in arms or in commerce.

Our good will, our grain and cotton are far preferable. There would be nothing to gain and much to lose. That is unmistakably evidenced by their ready assent to the recent request of our Secretary of State that we shall forever have equal rights of trade with them in all Chinese ports held or controlled by them. No war could obtain for us greater concessions or privileges. No American manufacturer could or does ask more than this free and open right of competition, so far as those powers can concede it. Then why talk of the Philippines in connection with the open door to China? When within the past two years has it been closed? The war was on before the powers made that agreement, and the war still continues.

Whether the Filipinos are to be freemen or subjects was not considered; and that is the precise issue upon which the war is now continuing. It would end upon the day in which the President or Congress should announce that their independence shall be guaranteed. The powers have agreed that we shall have the same right of entry at the Chinese ports controlled by them that we now have in the old ports by virtue of trade treaties. Absolute ownership of the Philippines could not acquire more for us. We have thus peacefully obtained the open door, the acquisition of which the imperialists claimed would be a sufficient justification of their war of aggression. Thus early have their theories been confounded by the stern logic of fact.

Now, let us understand the trade situation in China and divest it of the vagueness and confusion with which it has been invested by glittering generalities. In the first place, free entry of Chinese ports does not mean free enjoyment of Chinese trade. No nation has yet realized that great ambition of commerce. The Chefoo convention determined that the local authorities of China have the right to impose taxes upon all property outside the limits of foreign settlements, upon goods passing by road, river, or canal through their several jurisdictions, opium being the only commodity exempt. Those foreign settlements are the ports, the old treaty ports—the English port of Hongkong, the Portuguese port of Macao, and the ports recently leased to three of the great powers of Europe—Wei Hai Wei to England, Kiao Chow to Germany, Port Arthur and Talienwan to Russia.

The great Yangtze River for its 1,000 miles of navigability is also open, and the port of Ichang and other "landing places" along its course have been conceded. Everywhere outside of those settlements all commerce is subject to the taxes exacted by the Mandarins. The future, as is the present, development of our commerce in China must lie in the vast domain along its great rivers Yangtze and Hoangho and the Pechili Gulf. The chief ports for our commerce are, first, Shanghai, at the mouth of the Yangtze, and Hongkong.

No war can ever render them more open to our merchandise than they are to-day. Our success in that field will depend upon our thrift, enterprise, and ability to undersell. The same causes that secure our vast trade in Europe in competition with its own industries will obtain and hold for us the custom of the Orientals. The only law of trade is the best goods for the least money, and it is universal in its application. That is the explanation of the wonderful development of cotton and iron industries in the South, which are capturing Europe and Asia and, with the completion of the Nicaragua Canal, will add Central and South America to their victorious train.

That is the kind of expansion we want—honest, legitimate, profitable, and constitutional; not of force, but of superiority of American mind and American industry; not of blood, but of peace; not at point of bayonet, but in the good will of our customers, and those customers all the nations and peoples of the earth.

Never has this country had a more horrid front reared across its pathway than imperialism. It is foreign to and destructive of our institutions. Its hope and reliance are the power of the sword. The liberty of man is as nothing; the power of the nation and of the nation's Executive is its supreme object. There is no limit to its rapacity. Its ethics are those of the freebooter. Undesirability is the only exemption from its greed.

Any country, with the appurtenant people, which it can and wishes to absorb it will absorb. Commercial gain and military power are its supreme law. The home Government must be or become subservient to its purposes. That is Great Britain. That is what this Republic will become if the full fruitage of the policy of the party in power is not checked—the erection of an empire upon the foundation of the Republic; the substitution of imperial rule for government by the people. Hypocritical pretenses of missionary zeal, absorption of the Filipinos for their own good, and like stuff deceive no one. An honest leading imperialist Republican daily confesses the truth:

> All this gabble about civilizing and uplifting the benighted barbarians is mere sound and fury, signifying nothing. Foolishly or wisely, we want those newly acquired territories, not for any missionary or altruistic purposes, but for the trade, the commerce, the power, and the money there are in them. Why beat about the bush and promise and protest all sorts of things? Why not be honest?

At least one soul is better for confession.

But this land grabbing has not even the virtue of commercial

advancement. Every benefit to be derived from the islands can be acquired by possession of harbors and coaling and military stations. Our duty to the inhabitants will be fully discharged by according them protection against foreign powers, pacifying the islands, and assisting them to the formation and conduct of their own government, just as we assured the world we would do for Cuba, in the fulfillment of which promise we are now engaged. Admiral Dewey vouches for their superiority to the Cubans.

From the day of the surrender of Manila by Spain the Filipinos have asked for nothing else. To-day they are ready and anxious for the acceptance of any terms which will include the guaranty of ultimate self-government. Speaking, as I believe, for my country's best interests, it is to me passing strange that the Administration prefers "war to the grim end," rather than to give to those remote people, with whom the Spanish war brought us in contact, a simple guaranty of liberty—the rock upon which this Republic stands. Verily, "Whom the gods wish to destroy they first make mad." [Applause.]

Mr. SPIGHT. Mr. Chairman, in the discussion of the principles involved in this bill it is well to consider that while the island of Puerto Rico comes to us by way of conquest as a result of the war with Spain, its people have willingly acknowledged our authority and have welcomed us as deliverers from Spanish bondage and oppression, and look forward with eagerness to the liberty, blessings, and protection which are expected to flow from making their beautiful island home a part of the territory of this great Republic.

The case is far different from that of the Philippine Islands. Puerto Rico is, in a measure, contiguous territory. It is a part of the American continent. Its people are, in the main, of Caucasian blood, knowing and appreciating the benefits of civilization, and are desirous of casting their lot with us. They know much of our system of government, the beneficence of our institutions and the blessings of civil and religious liberty, which are supposed to follow our flag; and they have learned to look upon the "Stars and Stripes" as the emblem of freedom as well as of power.

How different the case of the Philippine Islands, 10,000 miles away, with a limitless ocean of treacherous waters rolling between us and them. The inhabitants are of wholly different races of people from ours—Asiatics, Malays, negroes, and mixed blood. They have nothing in common with us and centuries can not assimilate them. The inhabitants have no desire that their country shall become a part of ours, but their chief ambition is to be let alone to set up some kind of a government of their own. They do not want us and we do not need them. They can never be clothed with the rights of American citizenship nor their territory admitted as a State of the American Union, nor can we hold and govern the islands as colonies nor their people as vassals without the utmost violence to the basic principles upon which our system of government is founded.

To hold them in subjection would require, perhaps forever, a large standing army and enormous expenses without corresponding benefits. And worse than all, next to abandonment of the principles of republican government, we would be in constant danger of foreign entanglements and liable at any time to be drawn into disastrous foreign wars. On our own shores, with a homogeneous and liberty-loving citizenship, we can defy the world, but it will be a sad day for the United States of America when, venturing upon the dangerous pitfalls of Old World politics, we should be compelled to defend these treacherous and unfriendly colonies against the aggressions of any of the great European powers, none of whom are friendly to our system of government, and only cultivate friendly relations with us just so long as their own selfish interests prompt them. Hundreds of precious American lives have already been sacrificed upon the inhospitable shores of these far-away islands, and we do not yet know when the end will come.

I may not live to see it, but as sure as the present policy of this Administration becomes our settled policy, just so sure am I that the time will come, and not in the far-distant future, when the power and resources of this country will be taxed to their utmost to maintain our interests in the mighty storm of European strife, the rumblings of which are already heard. I love my country and her institutions. I love her people and all their interests, and I would not, for the bauble of imperialism, entail upon them a heritage of woe, nor see our proud ship of state driven upon the treacherous rocks where so many wrecks are already strewn. [Applause.]

God has been good to this country. We stood the shock of the fiercest and bloodiest internal struggle of modern times, and to-day we are infinitely stronger than ever before. In this House, side by side, sit men who followed the flag of the Union and those who fought for the banner that is furled forever, and vie with each other for the honor and prosperity of a reunited country. Let us not, in our greed for territorial enlargement, forget the grand principles for which we have contended for more than a hundred years and call down upon our heads the curse of degeneracy and infidelity.

Mr. Chairman, I have made these references to the Philippine Islands because I want to say that, under the circumstances, I am heartily in favor of the annexation of the island of Puerto Rico, but am unalterably opposed to the permanent retention of the Philippine Islands, except so much as may be necessary for naval stations, concessions for which can be easily secured. When we establish a colonial system of government (and it can never be anything else) upon these Asiatic islands, we not only throw to the winds the cherished principles of the Republic, but abandon the Monroe doctrine, for if we claim for ourselves the right to enter this foreign field for the forcible acquisition of territory, with what consistency can we deny to European powers a similar right on the American continent?

But the case is essentially different with Puerto Rico. Its proximity to our mainland, the character of its inhabitants, and the willingness with which they accept our sovereignty, together with the advantages—commercial, sanitary, and strategic—all unite to enable us to make her an integral part of our domain, without any violence to principle or any danger of foreign entanglements. And I will say in passing that for the same reasons we will welcome Cuba when she can come, as I believe she will, by the voluntary act of her own people. But I am not in favor of taking Puerto Rico or any other acquisition as a colony, but as a Territory, to be provided with a Territorial government, and with a view to ultimate statehood. I can see no reason why, after a probationary period, under wise direction, she may not in a few years be admitted to all the rights and dignity of a sovereign State of the American Union. While she comes as a result of war, she comes with open arms and outstretched hands and pleads with us to bestow upon her some of the blessings which we enjoy in such profusion. When she asks for a fish, shall we give her a serpent? When she asks for bread, shall we give her a stone?

The bill now under consideration proposes to levy both import and export duties upon goods shipped into or from the island of Puerto Rico.

There is more of vital principle involved in the determination of this question than in any measure now pending, or likely to be presented to this Congress. If it should result in the defeat of the proposition it would indicate a disposition to return to the purer and better days of the Republic, when the Constitution in all its parts was binding upon the consciences of the people's representatives, and all its mandates and limitations were held sacredly inviolable. If, on the other hand, the bill should be enacted into law, it would not only be a radical innovation upon the policy of the Government from its earliest existence, but would evince a disregard of constitutional limitations well calculated to arouse apprehension and alarm in the minds of the most careless and inconsiderate.

It involves the exercise of a despotic power that no republic can exercise and live. It is subversive of the elementary principles upon which our system of government rests.

It involves the assumption of the power claimed by England, and the effort to the exercise of which called forth the Declaration of Independence and inaugurated the war of the Revolution.

If it was a crime against the liberty of the people of the American colonies at the hands of George III and the British Parliament, how much greater the wrong at the hands of the American Congress. If the advocates of this measure are right now, our forefathers were wrong then. If the principle involved in this bill is in accord with republican institutions and government, then Washington and his compatriots fought for an error.

If I had no higher purpose than to compass the defeat of the party in power at the election next November, I should hail its passage as an omen of success; but prizing as I do the preservation intact of the great chart of our liberties and our institutions as it has been handed down to us by the fathers of the Republic as of infinitely more importance to all the people than the temporary success of any political party, I most earnestly hope that there can be found enough courageous men on the Republican side of this House to unite with the solid vote of the minority and put the seal of condemnation upon this effort to override and trample under foot the fundamental law of the land. [Applause on the Democratic side.]

With the second section of the bill I find no fault. It provides for the collection of the same tariff, customs, and duties on goods imported from foreign countries as are collected at any other ports of the United States, recognizing it as a part of our territory. There can be no objection to that. The vice of the measure lies in the third section. By this section it is proposed to impose a tariff upon all dutiable articles of merchandise imported from the United States into Puerto Rico and those exported from Puerto Rico into the United States, thus treating the island as a foreign country, the only difference being one of degree, the tax not being so great as that imposed on goods coming from foreign coun-

tries, with this difference, that the United States would collect a tax at both ends of the line, something we can not do with a foreign country.

Now, what would be thought of a proposition to compel a citizen of Arizona, New Mexico, or any other of our Territories to pay a tax upon articles sent from a neighboring State into the Territory, or from the Territory into the State? And yet the principle is the same.

Be it said to the credit of President McKinley that he does not think it is right to impose this burden upon the island unless, like some of his Republican friends, he has changed his mind. In his message to Congress he said it was—

> Our plain duty to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

Since the island became a part of our territory, Spain and Cuba, which were her best markets for her principal products for export, have levied a tariff which is in effect prohibitive, and with the United States pursuing this unfriendly policy, the people are practically without a market for their exports, and, in addition to that, have to pay a tax upon what they buy from the United States, the only professed friend they have.

The President, speaking further upon this subject, says:

> The island has been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which all nations are subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. The markets of the United States should be opened up to her products.

What a story of shame to us there is in this! Spanish oppression and tyranny are proverbial, and for these causes we entered into a war to free Cuba from the hated dominion of Spain. And yet, while Puerto Rico was a Spanish colony, the ports of her sister colonies and of Spain herself were open to her free of duty, and the United States, the world's champion of free government and fair dealing, Spain's successor, is more illiberal than the cruel tyrant if this bill should pass. In this respect, if in no other, the Puerto Ricans may be made to feel that in swapping masters they have made a bad trade.

The Secretary of War in his annual report says:

> The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

The reasonable presumption is that these two high officials of the Government were well informed when they made these urgent suggestions to Congress. I do not know whether they entertain these opinions now, or whether, like some of their party associates, a "change has come over the spirit of their dreams." I do know that the chairman of the Committee on Ways and Means of this House, about one month ago, introduced a bill favoring the policy suggested by the President and Secretary of War, and providing for free trade between the United States and Puerto Rico, and yet, in this short time, he reverses himself and reports the pending bill as a substitute for the one originally introduced by himself, and favoring a wholly different policy.

Why this sudden change? If reasons existed a month ago why a free-trade policy should be adopted, in what respects have the conditions changed? Perhaps the "infant industries" had not been heard from then.

Before examining the moral aspect of the case, let us look for a moment at the legal and constitutional questions involved.

There is no escaping the force of the constitutional requirement (section 8, Article I) that "all duties, imposts, and excises shall be uniform throughout the United States," except by assuming that "the United States" means only the States of the American Union and that Territories are not included.

It is conceded that the term "United States" has a twofold meaning. It has a political and a geographical significance. In its political sense it means only the States of the Union, in which, when united in the Congress composed of Senators and Representatives, the power is reposed to legislate, to levy duties, imposts, and excises, to declare war, make treaties, etc. From the exercise of this political power Territories are excluded, Delegates being allowed to speak, but not to vote.

In its geographical sense it means all the country, States and Territories, embraced in and under the dominion of the Republic, or, as some prefer to call it, the nation.

The advocates of the bill now pending are driven to adopt the political and not the geographical significance in order to maintain their positon, and it is here that the first contention arises. Chief Justice Marshall, than whom this country never produced a nobler citizen nor greater lawyer, said in Loughborough *vs.* Blake (5 Wheaton, 319), decided in the year 1820:

> The power to lay and collect duties, imposts, and excises may be exercised throughout the United States. Does this term designate the whole, or only part of the American empire?
>
> Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in one than in the other.

Chief Justice Marshall says on the very subject we are now considering, "Certainly the question can admit of but one answer;" but these modern "constitutional lawyers," who have either gone crazy on the tariff-for-protection idea or are compelled to yield to the demand of corporate greed, say that the great Chief Justice did not know what he was talking about. They cite Daniel Webster when arguing a case as a lawyer, but overlook or ignore his later utterances as a United States Senator, when he said:

> An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territory by different laws and different systems. We can do no such thing. They must be of us—part of us—or else estranged.

It is not denied that the President, under the power conferred by the Constitution as Commander in Chief of the Army and Navy of the United States, may, as long as the newly acquired territory necessarily remains under military control, prescribe rules and regulations for its government without being subject to the same restrictions and limitations as the Constitution imposes upon a civil government; but when Congress undertakes the duty of legislating, in any manner, for the country and its inhabitants, it becomes "a part of us," in the language of Mr. Webster, and its people entitled to the protection of the same constitutional guaranties as are those of any other of our Territories. To deny this is imperialism pure and simple. It amounts necessarily to an assertion of the right to hold and govern colonial possessions as do the monarchies of Europe.

This power has been denied by the Supreme Court of the United States. Chief Justice Taney, in delivering the opinion in the celebrated Dred Scott case, says:

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given: and if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizen of the State and the Federal Government. But no power is given to acquire a Territory to be held and governed permanently in that character.
>
> The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a Territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority.

Although there were dissenting opinions in other features in this celebrated case, there was no difference of opinion on the part of the court as to the correctness of the principles thus broadly stated by Chief Justice Taney, nor has its soundness ever been authoritatively questioned or denied. And the authorities abundantly support the position.

So, then, if Puerto Rico can not be held and governed as a colony, it must be as a part of the United States, a term which Chief Justice Marshall has said is the name given to our great Republic, which is composed of States and Territories, and must be governed under the limitations of that clause of the Federal Constitution which declares that—

> All duties, imposts and excises shall be uniform throughout the United States.

While in a few cases, under temporary military government and before Congress had taken any steps to substitute the civil for the military power, this uniformity has not been observed, this is the first time since the foundation of our Government that Congress has assumed to disregard this plain duty and positive requirement. No such injustice or inequality was ever imposed, or even sought to be imposed, upon the inhabitants of any other acquisition, whether acquired by voluntary annexation, purchase, conquest, or treaty.

This brings me now to the moral question involved in this proposition. When General Miles, at the head of the American Army, landed upon the island of Puerto Rico, in July, 1898, he issued this proclamation:

> *To the inhabitants of Puerto Rico:*
>
> In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity its military forces have come to occupy the island of Puerto Rico.
>
> They come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours, and to destroy or capture all

who are in armed resistance. They bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence the first effect of this occupation will be the immediate release from your former political relations, and it is hoped a cheerful acceptance of the Government of the United States.

The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation.

We have not come to make war upon the people of a country that for centuries has been oppressed, but, on the contrary, to bring you protection, not only to yourselves but to your property, to promote your prosperity, and bestow upon you the immunities and blessings of the liberal institutions of our Government.

It is not our purpose to interfere with any existing laws and customs that are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.

NELSON A. MILES,
Major-General, Commanding United States Army.

These were the noble words of a great soldier spoken to a helpless people who had never known anything in all their lives but grinding oppression and degrading servitude. They had often heard of the great Republic whose starry banner is the emblem of freedom and enlightened justice. They felt that the day of deliverance had come to them and to their suffering brethren on the island of Cuba, and it was not strange that shouts of welcome were heard on every side, and soon American flags were floating from every house top.

Let us see what realization has come to these people of the fond hopes of prosperity to flow from a union with our country.

It must be remembered that Puerto Rico is almost entirely an agricultural district, having practically no manufacturing interests, and the principal products for export are coffee, sugar, and tobacco; and from the proceeds of these crops the people must buy clothing, food stuffs, etc. As long as they were under Spanish dominion the ports of Spain and Cuba were open to them; but as soon as the treaty of peace between the United States and Spain was ratified, Spain shut her gates against them, and the United States authorities, at the request of Cuba, shut them out there. So now they have no market. But, to add to their misfortunes, in August of last year the island was swept by one of the most disastrous storms of its history.

Two thousand people were killed or drowned, houses were blown away, crops that had been gathered were destroyed by the water, and those growing in the fields were also greatly damaged, and it is estimated that it will require five years to restore their coffee interests—the most important of all—to the condition before the storm.

It is said, with truth, no doubt, that there is great suffering, and among the poorer classes many are actually starving, and that the island is in a worse condition, generally, than when under Spanish rule.

In this deplorable state of affairs every prompting of humanity, to say nothing of constitutional right and national good faith, should lead us to deal mercifully, if not justly, with these poor people, as so earnestly recommended by the President and his Secretary of War. But the protected industries of this country, which have received so many benefits and borne so few of the burdens of government, have decreed otherwise and have demanded of the party in power that no step shall be taken which jeopardizes their interests, even remotely, no matter what may be the consequences to the Puerto Ricans or how deadly the assault upon the Constitution.

It is insisted by the gentleman from New York [Mr. PAYNE], the chairman of the Committee on Ways and Means, that one of the purposes for which this burdensome tax is to be levied is to raise money with which to build schoolhouses where children can be taught to love the flag and to develop a higher order of patriotism. What do these starving people care now about schoolhouses? That can be attended to after a while? Just now, instead of giving them instruction in the English language, we would do better to give them bread; and instead of flags, give them clothing.

I, too, would reach the same end as the gentleman from New York, but by different means. I would teach them lessons of patriotism, never to be forgotten, by dealing justly and fairly with them and by helping them in their sore distress. I would teach them to love the flag by demonstrating that it stands for the same thing in Puerto Rico as in New York, and that the Constitution which declares that taxation shall be uniform means the same thing on this island possession as it does in Arizona.

It is said by the advocates of this measure that the admission free of duty of sugar and tobacco from Puerto Rico would not seriously affect those interests here; but their fear is that the protection lines will be broken and a precedent will be made which will rise up to plague them should the Philippine Islands ever become a part of our domain, and these protected home industries could not bear to be brought into competition with productions of these islands. I trust that contingency may never arise, and that no question of free trade between the United States and the Philippines will ever be presented by reason of their occupying the same relation to this Government as does the island of Puerto Rico; but it is infinitely better that a few men who so long have been reaping the benefits of protective tariffs should have smaller profits than that the Constitution should be violated and a great wrong done to the newest and humblest of our citizens.

The Puerto Ricans have given us no trouble. There has been no insurrection amongst them. No standing army is required to hold them in subjection. They have been quiet and peaceable and orderly. They have taken us at our word and relied upon our promises when we offered them the blessings of a free government. And shall we now, to gratify the greed of an insatiable few, inflict a dangerous wound upon our Constitution and prove ourselves unworthy of the confidence of these trusting people? If so, and they should lose faith in our Government, and should in turn become treacherous, we would have no right to blame them.

Greed for gold and empire is the world's greatest menace today. China is being partitioned by piecemeal. Russia, under the guise of a disarmament theory, is preparing for a great struggle for more territory and greater empire. Germany is preparing for an enormous increase of her navy. France is snapping and snarling at everything. England is committing one of the greatest crimes in her perfidious history by waging a war of conquest and subjugation against a brave, liberty-loving, Christian people, whose national sin is that within the borders of their rugged land lie hidden vast treasures of gold and diamonds, while this great Republic, which has so long been a beacon light to the oppressed of all nations, has been for a year shooting "benevolent assimilation and Christian civilization" into a people who are so rude and unappreciative as to object to throwing off one yoke to put on another. [Applause.]

If this bill should become a law imperialism is an accomplished fact, as far as it is in the power of the Republican party to make it so, and no specious pretenses will avail to shield them from the charge; and with that fearless and incorruptible tribune of the people, W. J. Bryan, for their leader, a mighty host of unbought and unpurchasable patriots who love their country and her priceless memories and institutions better than gold or empire, with "Truth, Justice, and the Constitution" emblazoned upon their banners, will sweep the political field like a tornado, and again "the Star Spangled Banner" will float proudly "o'er the land of the free and the home of the brave." [Great Applause.]

Mr. LEWIS. Mr. Chairman, I will not direct my remarks to the bill now before the House, but will talk upon another line or question that is closely identified with the one under discussion.

Immediately on the reassembling of Congress after the holidays, I introduced a bill in this House to repeal the war-revenue tax. That bill was referred to the Committee on Ways and Means, and it is still before that committee. I have had talks with the committee and with the subcommittee, and they are not prepared to make a report upon it at this time; but I trust that at some time in the future they may make a report, and hope it will be favorable.

Mr. Chairman, I understand the first duty of a government to its people, after the protection of life and liberty, is to give them as low a rate of taxation as possible. Another duty of the Government is to let those taxes be light in order that the money of the Government may be distributed among the people instead of being stored away in the vaults of the Treasury and the subtreasuries and Government depositories. The greatest means of keeping the money in circulation is by small taxes. Hence I have introduced my bill.

I feel sure that we have every reason to repeal this war-tax measure at once. This is a high tax, and a war tax is always an unpopular tax. The sooner we can be relieved from it, therefore, the better.

I shall date my statistics from the 19th of this month—the 19th of February. I find that on that day we had in the Treasury of the United States $296,000,000 uncovered money, and this amount is increasing daily. In the month of January the increase in the cash reserve was $9,000,000.

We all remember that the President, in his message on the assembling of Congress, the first week in December, in quoting the Secretary of the Treasury, stated that at the end of the year we expected to close with a gain of $40,000,000.

As I state, even in the month of January we make a clear gain of $9,000,000; consequently I feel sure it would be much larger than that—possibly $60,000,000 instead of $40,000,000, at the close of the current fiscal year, as estimated by the Secretary. I find today that we have increased in less than eight months $34,000,000. We have $34,000,000 more now than at the beginning of the year's business. I find that the Secretary of the Treasury bought, in the months of November and December, Government bonds to the amount, including the premiums and interest, of $22,000,000. Had the President not done this, then we would have had $56,000,000 on hand more at the beginning of the fiscal year than we have at present. I will read what the President says about that, and

shall show later on that I think that he is entirely wrong at this time in authorizing the Secretary to buy those bonds:

The strong position of the Treasury with respect to cash on hand and the favorable showing made by the revenues have made it possible for the Secretary of the Treasury to take action under the provisions of section 3694, Revised Statutes, relating to the sinking fund. Receipts exceeded expenditures for the first five months of the current fiscal year by $13,413,389.91, and, as mentioned above, the Secretary of the Treasury estimates that there will be a surplus of approximately $40,000,000 at the end of the year. Under such conditions it was deemed advisable and proper to resume compliance with the provisions of the sinking-fund law, which for eight years has not been done because of deficiencies in the revenues.

The Treasury Department therefore offered to purchase during November $25,000,000 of the 5 per cent loan of 1904, or the 4 per cent funded loan of 1907, at the current market price. The amount offered and purchased during November was $18,408,600. The premium paid by the Government on such purchases was $2,263,521 and the net saving in interest was about $2,885,000. The success of this operation was sufficient to induce the Government to continue the offer to purchase bonds to and including the 23d day of December, instant, unless the remainder of the $25,000,000 called for should be presented in the meantime for redemption.

I have a letter from the Assistant Secretary of the Treasury stating that he only expended $22,000,000 on bond purchase, as I have said. Now, had this money not been expended, we would have had $64,000,000. It is generally understood as correct that there will be no appropriation for rivers and harbors this year. We must remember that at the last session the appropriation was about $60,000,000. It is also generally understood that there will be no appropriation for public buildings. Then I find that during the last Congress there was appropriated about $40,000,000 for public buildings; and if this money is not appropriated or spent among the people and for the improvement of the river country, towns, and cities, then it is a further reason that the act should be repealed and the taxes stopped, it standing to reason that the money could not be needed by the Government.

I think we can well afford to stop this tax; and I say that we are growing greater in money every day, at a time when we have a war going on. We have, besides our soldiers in Cuba and Puerto Rico, some 68,000 to 70,000 troops in the Philippines. We have nearly half as many troops there as the British Government has in her war with the Transvaal Republic; and notwithstanding this war with the Philippines we are growing each day in strength in money matters. I do not wish to be understood as complimenting the present Administration upon its splendid management and economy. I can not say that, because I think it has been extravagant. We have been expending a great deal of money during the last two or three years.

As the reports will show, all this money has accumulated from excessive taxes that are imposed upon the people; and that is why I again ask that these taxes be repealed. What are we doing with this money? I claim that $296,000,000 is too much money to have in the vaults. The Government should not keep more money in its vaults than necessary to pay the expenses of the Government economically administered and to protect its high credit at all times. It should keep this money with the people. I find that on February 19 the Treasury Department had deposited with the national banks of this country $111,976,000, from which they were drawing no income and no interest.

Again, I think it is wrong that the people should be severely and highly taxed for money that the Government has no use for. Where does the money come from? It is the very poorest people in the country who are paying the greatest amount of it. Who is benefited by this war? It is the corporations, the exporting houses, the telegraph companies, the large steel plants, the gun manufacturers—they are the classes of people who are reaping the great harvest out of this war. They are making a great amount of money out of it, and absolutely they are not contributing any money to carry it on. It is the poor people of this country that are furnishing the most of the taxes of the country. You go down in my country and you take the poor people, some unable to secure doctors and are forced to buy themselves drugs and medicines which are highly taxed, and the poor negroes who have been in the habit of using snuff and tobacco.

This bill places a tax of 12 cents on snuff and tobacco. These people are paying that, and what benefit will this war be to them when we shall have acquired the Philippine Islands? It will place a cheaper class of labor in competition with the colored people of the South and the country generally. Actually by failure of legislation of a Republican Congress a loophole was left by which the telegraph companies are escaping the payment of this tax. The Western Union Company, with a capital of a hundred million dollars, is not paying one dollar of the tax, and yet they are reaping great benefits on account of the war. Their business has increased many thousands of dollars; I dare say into the millions.

The Government of the United States has become their greatest customer on account of this war. I dare say a family of good, honest, hard-working people in my country pays more taxes to-day to carry on the war than is paid by the Western Union Telegraph Company, because that large corporation pays no tax at all. The head of a family who uses tobacco and wants to get his dram when he can, the mother and daughter who use snuff, contribute in a year's time more to carry on the war than these great corporations that are capitalized at so many million dollars. That is the way that this war-revenue tax works. It is unjust, and it is levied upon the people most unable to bear it.

The other day the gentleman from New York [Mr. PAYNE], in speaking of the tariff and why they ought not to assess a revenue tax on the people of Puerto Rico, used that as his main argument and main reason. I will read an extract from his speech. It is as follows:

They manufacture there annually a million and a half gallons of rum. It is sold all over the island. It is a necessity of life, or they think so, for the poor people of that island. These million and a half gallons retail at from 25 to 40 cents a gallon. The internal-revenue tax upon that, under the law that we were about to extend, would amount to $1.20 a gallon. The price to these people would be multiplied by four. How could they get their rum? We were cutting it off.

His remarks were intended to apply to the fact that they were not to carry the revenue tax to Puerto Rico. Now, if he is looking so much after the poor people of Puerto Rico, why can not we look after the poor people of this country, who are paying these great and burdensome taxes? We certainly ought to be as good to the people of the United States as we are to the people of Puerto Rico. If our laws are just and good for Americans, they ought to be just and good for the people of Puerto Rico.

I am afraid that our Government has adopted the policy of our trusts, either leading them or following in their footsteps. I am afraid they have got to the point where they propose to consolidate capital, and so our Government has consolidated and holds at the present time the money of this country.

Speaking of the trusts, it is astonishing to read of the great profits that are made by these companies. I was surprised on reading several days ago an account of the enormous profits of the Carnegie Steel Works, one among the largests of trusts, and one of the trusts that contribute nothing to support our present war, but, on the other hand, have made immense profits out of it. It seems that the two leading owners have had a falling out, and it is by these family troubles that we sometimes get the facts. Mr. Frick, general manager, and a partner in the Carnegie Steel Works, gives his sworn statement of the estimated net profits, which I read from the New York World:

In Mr. Frick's sworn statement of the affairs of the Carnegie Steel Company, a synopsis of which was printed in the World yesterday, he says that Mr. Carnegie estimated the net profits for 1900 at $40,000,000, and Mr. Frick estimated them at $42,500,000. As Mr. Carnegie owns fifty-three one-hundredths of the concern, his profits for the year would be $24,500,000.

This is an account of the immense profits that are being made by one of the trusts, and by a concern that is absolutely paying no money to carry on this war.

I think one of the highest reasons—in fact, no further argument is necessary in support of the repeal of this war-tax act than to read the statement of Secretary Gage furnished in answer to an inquiry into his dealings with the national banks.

Secretary Gage says:

The reason for directing the internal-revenue receipts into depositary banks at this time is that the revenues are now largely exceeding disbursements from month to month, and seem likely to do so for an indefinite time. This condition would be a menace to the business world if assurance were not given that this surplus would be diverted from the Treasury vaults to public depositaries, where, while secure to the Government, it would remain available to business use.

This statement of Secretary Gage corroborates fully my position and contention. He admits these heavy receipts and says he is forced, in order to let this great surplus money remain available to business use, to adopt the policy of depositing these funds in national banks. This is an unwise theory. Why not repeal this obnoxious revenue tax and let this surplus money remain in the pockets of the people, where it justly belongs?

Your idea is first to help the banks and the banks will help the people. No; if you will keep this great amount of money deposited in national banks, then the Government should get some compensation for it. These banks pay individuals and other banks interest on deposits. I submit telegrams from two Georgia bankers, stating that their New York bank correspondents allow them interest on their daily balances, one stating at the rate of 2 per cent and the other at 1½ per cent. Now, if they can pay these small banks interest on deposits, why can they not pay the Government interest on its deposits?

I have a letter from the Assistant Secretary of the Treasury, Mr. Vanderlip, stating that on February 3, instant, the Treasury deposits with two New York banks amounted to $24,000,000. This is an enormous amount of money for two banks to use free of interest. In my own State, Georgia, the banks of depository are required to pay 2 per cent interest on deposits, and no good reason can be shown why the national banks, Government depositories, should be exempt from paying interest. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JETT. Mr. Chairman, I think there is no other gentleman on this side of the House that wishes to speak to-night.

Mr. LONG. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. MORRIS] having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8245, and had come to no resolution thereon.

Mr. LONG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 45 minutes p. m.) the House adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General of the Marine-Hospital Service submitting an estimate of appropriation for the marine hospital at Boston—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General of the Marine-Hospital Service submitting an estimate of appropriation for the marine hospital at Cleveland, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate for increasing the cost of public building at Boise, Idaho—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5485) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the domain in lieu thereof, reported the same with amendment, accompanied by a report (No. 404); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, reported the same without amendment, accompanied by a report (No. 411); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7663) to establish a board of charities for the District of Columbia, reported the same with amendment, accompanied by a report (No. 415); which said bill and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 418); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 255) to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect, reported the same with amendment, accompanied by a report (No. 419); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 3597) to incorporate the Frederick Douglass Memorial and Historical Association, reported the same with amendments, accompanied by a report (No. 420); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1713) granting an increase of pension to Alice S. Jordan, reported the same without amendment, accompanied by a report (No. 405); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8395) to increase the pension of Henry Johns, reported the same with amendment, accompanied by a report (No. 406); which said bill and report were referred to the Private Calendar.

By Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 265) granting an increase of pension to Jane McMahon, reported the same without amendment, accompanied by a report (No. 407); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 343) granting an increase of pension to Mary J. Freeman, reported the same without amendment, accompanied by a report (No. 408); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 495) granting a pension to Ambrose J. Vanarsdel, reported the same without amendment, accompanied by a report (No. 409); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8405) granting a pension to Sophronia Seely, reported the same with amendment, accompanied by a report (No. 410); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 459) for the relief of Christiana Dengler, reported the same without amendment, accompanied by a report (No. 412); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7150) for the relief of Francesco Perna, reported the same without amendment, accompanied by a report (No. 413); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8532) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix, reported the same without amendment, accompanied by a report (No. 414); which said bill and report were referred to the Private Calendar.

Mr. STANLEY W. DAVENPORT, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2748) granting an increase of pension to Henry Schnettberg, of Indiana, Pa., reported the same with amendment, accompanied by a report (No. 416); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3654) for the relief of Calvin Myers, of Overton County, Tenn., a soldier in the Mexican war, reported the same with amendment, accompanied by a report (No. 417); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7400) for the relief of James J. Wheeler, of Lagrande, Union County, Oregon Volunteers, reported the same with amendment, accompanied by a report (No. 421); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8135) pensioning Elijah Patrick at the pensionable rate of a captain—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 6496) to increase the pension of Mrs. Helen G. Heiner, widow of the late Capt. R. G. Heiner, Company A, First United States Infantry—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 8810) to regulate charges for berths on sleeping cars operated on railways used in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: A bill (H. R. 8811) providing for packages containing ten and twenty cigars—to the Committee on Ways and Means.

By Mr. VREELAND: A bill (H. R. 8812) to increase the limit

of cost for the purchase of a site and the erection of a public building thereon at Jamestown, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. OLMSTED: A bill (H. R. 8813) to provide for the purchase of a site and the erection of a public building thereon at Lebanon, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. BURKE of South Dakota: A bill (H. R. 8814) to provide for the entry of lands formerly in the Lower Brule Indian Reservation, S. Dak., and to give preference rights to settlers—to the Committee on the Public Lands.

By Mr. LINNEY: A bill (H. R. 8815) to amend chapter 4, Title XIII, of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. LOUD: A bill (H. R. 8816) to prevent dangers to navigation from rafts on the Pacific Ocean—to the Committee on Interstate and Foreign Commerce.

By Mr. PUGH: A joint resolution (H. J. Res. 183) directing the Secretary of War to submit estimates for the construction of a pier for a harbor on the south shore of the Ohio River, at or near the city of Maysville, Ky.—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 184) prohibiting the transportation of tin, tin plate, and other products of the American Tin Plate Company, and so forth, from one State to another—to the Committee on the Judiciary.

By Mr. WHEELER of Kentucky: A resolution (H. Res. 160) directing the Committee on Foreign Affairs to investigate the truth or falsity of the charges made by Charles E. Macrum, late a consul of the Government of the United States at Pretoria, in South Africa—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 8817) granting an increase of pension to David Phillips, California, Washington County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8818) granting an increase of pension to Robert M. McCollough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8819) granting a pension to Benjamin F. Wallace—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 8820) to correct the military record of John F. Antlitz—to the Committee on Military Affairs.

By Mr. BERRY: A bill (H. R. 8821) for the relief of John H. Foster, Company G, First Artillery, and so forth—to the Committee on Invalid Pensions.

By Mr. BELLAMY: A bill (H. R. 8822) for the relief of the executors of Lewis Thompson—to the Committee on War Claims.

By Mr. BARHAM: A bill (H. R. 8823) granting a pension to John Bryan—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 8824) granting a pension to William K. Daniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8825) granting a pension to James E. Shehan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8826) granting a pension to Sarah Ann Ray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8827) granting a pension to Mary Gilbert, widow of Wilson Grindstaff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8828) to pay to Jacob Yost the sum of $434—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 8829) granting an increase of pension to John P. Pepper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8830) granting an increase of pension to William F. Boyakin—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 8831) to increase pension of Mahlon Farnim, late of Company D, Second Wisconsin Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 8832) for the relief of W. J. Kountz—to the Committee on Claims.

By Mr. HARMER: A bill (H. R. 8833) granting a pension to Wilhelmina Hippler—to the Committee on Pensions.

Also, a bill (H. R. 8834) granting an increase of pension to Richard P. Nishuals—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: A bill (H. R. 8835) granting a pension to Sallie A. Coon, widow of Joseph J. Coon—to the Committee on Pensions.

Also, a bill (H. R. 8836) granting a pension to David M. Wentz—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 8837) for the relief of Daniel M. Frost—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 8838) to increase the pension of John W. Norton—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 8839) granting an increase of pension to John T. Burks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8840) granting an increase of pension to George B. Hess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8841) granting a pension to Matilda Cullison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8842) granting a pension to Sarah O. Field—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8843) for the relief of Alfred Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 8844) for the relief of George W. Beach—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 8845) for the relief of Offner & Laumar—to the Committee on War Claims.

Also, a bill (H. R. 8846) for the relief of W. F. Sanderson, administrator of W. W. Sanderson—to the Committee on War Claims.

Also, a bill (H. R. 8847) for the relief of Alexis Leduff—to the Committee on War Claims.

Also, a bill (H. R. 8848) for the relief of W. G. Wheeler, of New Orleans, La.—to the Committee on War Claims.

By Mr. MOON: A bill (H. R. 8849) for the relief of Martin Van Buren McReynolds, of McMinnville, Tenn.—to the Committee on Military Affairs.

By Mr. PARKER of New Jersey: A bill (H. R. 8850) granting a pension to Ella Hatfield—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 8851) for the relief of legal representative of John G. Rowe, deceased, late of Stafford County, Va.—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho (by request): A bill (H. R. 8852) to ratify settlements made with clerks of the Third district court of Utah Territory and releasing them and their bondsmen from further liability—to the Committee on the Judiciary.

By Mr. WHEELER of Kentucky: A bill (H. R. 8853) for the relief of the heirs of C. R. Young—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 8854) increasing the pension of Austin Murphy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Northeastern Pennsylvania Press Association, favoring the passage of House bill No. 5029, relative to the free entry of wood pulp imported for use in the manufacture of paper—to the Committee on Ways and Means.

Also, petition of United Labor League of Western Pennsylvania, urging the passage of House bill No. 5450, to protect free labor from prison competition—to the Committee on Labor.

By Mr. BOUTELL of Illinois: Petition containing 7,000 signatures of citizens of the State of Illinois, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. BRANTLEY: Resolutions of the pilots of the Brunswick (Ga.) outer bar, indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

By Mr. BURTON: Petition of International Broom Makers' Union, in favor of the passage of House bill No. 5450, to protect free labor from prison competition—to the Committee on Labor.

Also, petition of M. J. Lawrence and other citizens of Cleveland, Ohio, to accompany House bill No. 7852, to increase the pension of Maj. O. M. Brown—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of the Woman's Christian Temperance Union of Westchester, Pa., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. CONNELL: Petition of the Scranton (Pa.) Board of Trade, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. DE VRIES: Petition of Wagner Leather Company and other business firms in the State of California, urging the repeal of the war-revenue duty on hides—to the Committee on Ways and Means.

By Mr. DOLLIVER: Petition of the clerks of the Webster City (Iowa) post-office, favoring the passage of House bill No. 4351, providing for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD of New York: Resolution of the municipal assembly of the city of New York, requesting the building of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. FLETCHER: Resolution of Company H, Third Infantry, National Guard, State of Minnesota, of Olivia, Minn., urging

the passage of a bill to improve the armament of the militia—to the Committee on the Militia.

By Mr. GAMBLE: Resolutions of the Commercial Club of Sturgis, S. Dak., favoring the retaining of the public lands for the benefit of the whole people and for homestead settlers, and in favor of reclaiming the arid lands by irrigation inaugurated by the General Government—to the Committee on the Public Lands.

Also, resolutions adopted by the John A. Logan Regiment, No. 2, Union Veterans' Union, of Sioux Falls, S. Dak., protesting against the passage of House bill No. 3988—to the Committee on Agriculture.

By Mr. GARDNER of New Jersey: Petition of Elmer D. Prichett, of Mount Holly, N. J., and other druggists, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of officers of Post No. 107, Grand Army of the Republic, of New Jersey, in favor of House bill No. 4742, for military instruction in the public schools—to the Committee on Military Affairs.

Also, resolution of the employees of the Brooklyn Navy-Yard, advocating the building of naval vessels at the navy-yards—to the Committee on Naval Affairs.

By Mr. GRAHAM: Communication of T. A. Wood, grand commander Indian War Veterans of the North Pacific Coast, Portland, Oreg., urging the passage of House bill No. 53, granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive—to the Committee on Pensions.

By Mr. GREENE of Massachusetts: Resolutions of Boston (Mass.) Chamber of Commerce, calling for an increase in coast artillery—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: Petition of Capitol City Lodge, No. 354, of Hartford, Conn., International Association of Machinists, in favor of House bill No. 5450, to protect free labor from prison labor—to the Committee on Labor.

By Mr. HITT: Petition of B. Eldredge and others, of Belvidere, Ill., favoring free trade between Puerto Rico and the United States mainland—to the Committee on Ways and Means.

By Mr. JONES of Washington: Resolution of the Seattle (Wash.) Chamber of Commerce, urging the organization of a territorial legislature, the election of a delegate to Congress, and the creation of four judicial districts in Alaska—to the Committee on the Territories.

Also, resolution of the Seattle Chamber of Commerce, in opposition to the leasing of grazing lands west of the ninety-ninth meridian—to the Committee on the Public Land.

Also, resolutions of the Tacoma (Wash.) Trades Council, in opposition to the Hanna-Payne ship-subsidy bill, favoring the continuance of the postal money-order system, and the establishment of postal savings banks—to the Committee on the Merchant Marine and Fisheries.

By Mr. KNOX: Papers to accompany House bill No. 8793, to remove the charge of desertion now standing against Frank Donnelly—to the Committee on Military Affairs.

By Mr. LACEY: Petition of Journeymen Tailors' Union No. 63, of Ottumwa, Iowa, favoring the passage of House bill No. 6882, relating to hours of labor on public works, and House bill No. 5450, for the protection of free labor against prison labor—to the Committee on Labor.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union, of Woodbury, Gloucester County, N. J., for the passage of a bill giving prohibition to Hawaii—to the Committee on Insular Affairs.

By Mr. MADDOX: Petition of the heirs of John J. Smith, deceased, late of Barton County, Ga., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MOON: Papers to accompany House bill No. 2125, for the relief of Thomas Robert Harris—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Martin Van Buren McReynolds, of McMinnville, Tenn.—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Paper to accompany House bill to amend the record of Alfred Brown—to the Committee on Military Affairs.

Also, paper to accompany House bill to amend the record of George W. Beach—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Sarah O. Fields, widow of Pleasant Fields, of Company A, Sixty-seventh Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of John T. Brooks—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to James Cullison—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of the Union Labor League, praying for the passage of a bill to protect free labor from prison competition—to the Committee on Labor.

By Mr. PUGH: Papers to accompany House bill No. 6917, for the relief of T. P. Salyer—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany House bill for the relief of the legal representatives of John G. Rowe, deceased, of Stafford County, Va.—to the Committee on War Claims.

By Mr. SHATTUC: Petition of the Cigar Makers' Local Union No. 4, of Cincinnati, Ohio, in opposition to admitting cigars from Puerto Rico at a nominal tariff of 25 per cent—to the Committee on Insular Affairs.

By Mr. HENRY C. SMITH: Petition of the Woman's Christian Temperance Union of Adrian, Mich., urging a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WANGER: Petition of Keasbey & Mattison Company, druggists, of Ambler, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. WEEKS: Memorial of J. Caloca, municipal alcalde; Acisclo Diaz, custodian of the municipal funds; E. Acosta, councilman and ex-alcalde; Felix Monclova, member of the common council; Ramon Silva, councilman; Jose Rivera, and other distinguished officials of Rio Piedras, Puerto Rico; also, memorial of Antonio Jimenez, alcalde; Antonio Franqui, Celestino Sola, Pedro Jimenez, Gervasio Garcia, and other members of the common council of the city of Cagnas, Puerto Rico, relative to railway franchises, etc.—to the Committee on Insular Affairs.

SENATE.

FRIDAY, *February 23, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SOUTH CAROLINA STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a report of the Auditor for the War Department relative to the account between the United States and the State of South Carolina growing out of the claim for moneys expended by that State for military purposes in the Florida war of 1836 and 1837, etc.; which, on motion of Mr. TILLMAN, was, with the accompanying paper, ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.; and

A joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair thinks it may be proper for him to lay before the Senate a telegram from Puerto Rico to the President of the Senate:

Commissioned by people Puerto Rico attending celebration commemoration anniversary Washington, requests that by humanity sake a solution be adopted economic problems. Every day represents considerable loss, leading to total ruin.

The telegram will be referred to the Committee on Pacific Islands and Puerto Rico.

Mr. HOAR. I should like to have a ruling of the Chair upon the question whether it be a petition from citizens of a foreign country or no, because if it——

The PRESIDENT pro tempore. The Chair does not feel called upon to rule as to that question.

Mr. HOAR. The Chair is presenting it as a petition to the Senate.

The PRESIDENT pro tempore. And from the fact that the Chair has presented it, the inference may be drawn of the opinion of the Chair.

Mr. STEWART. I should like to inquire if the Senator from Massachusetts objects to it on the ground that Puerto Rico is a foreign country?

Mr. HOAR. I do not. I thought we had a very excellent opportunity to settle by the very highest authority a grave question that is puzzling many people.